NATIONAL MAGAZINE:

OR, A POLITICAL, HISTORICAL, BIOGRAPHICAL, AND LITERARY

REPOSITORY.

TWENTY-FIFTH YEAR OF AMERICAN INDEPENDENCE.

NUMBER VI. VOL. II.
TWO DOLLARS A VOLUME.

By JAMES LYON.

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RICHMOND, (VIRGINIA.)
PRINTED FOR THE EDITOR.

1800.

From the Poughkeepsie Journal.

A LAW CASE.

For the Consideration of Men of all Parties.

THOMAS COOPER, was lately indicted for a libel on the adminiſtration. The trial was under the act commonly called the ſedition law. According to a clauſe in this act, he was permitted to juſtify by ſhewing the truth of the facts he had aſſerted.

To do this it was neceſſary, that certain witneſſes ſhould be called and examined, and that certain public papers ſhould be ſo authenticated, as to become evidence in a court of law. He (Cooper) accordingly requeſted that *John Adams* might be ſummoned as a witneſs. This requeſt was rejected by the court. He then attempted to procure authenticated copies of the preſident's anſwers to ſundry addreſſes, &c. &c. but theſe alſo were refuſed. He then proceeded to read certain papers generally received as the anſwers of the preſident to the aforeſaid addreſſes and publiſhed as ſuch, but this the court declared not to be legal evidence. Under theſe circumſtances he was convicted, &c. *See Webster's Spectator.*

An enquirer who has nothing at heart but juſtice, who has been uniformly attached to the conſtitution, and who has every poſſible public motive and private diſpoſition to think well of the adminiſtration, wiſhes to know, why in a ſuit involving the liberty, property and character of a fellow-citizen, *John Adams* ſhould not have been called upon as a witneſs; To ſuppoſe there was any legal diſability would be the height of ſedition and calumny, nor will it I believe be pretended that he is exempted by his office from the obligations of truth, juſtice and humanity, which impoſe it upon every human creature to convict the guilty, or exculpate the innocent if they be called upon to do ſo. This competency therefore being unqueſtionable, what conſideration could have governed the deciſion of the court? Was it tho't indelicate to require from the firſt magiſtrate of the country, the exerciſe of one of the moſt ſolemn duties which as a man he owed it? This is impoſſible. It cannot be, that if Mr. Cooper had been charged with theft or murder, inſtead

of ſedition, and that if he believed Mr. Adams's teſtimony material or neceſſary to his acquittal, that it would have been denied to him.—By the conſtitution, "the accuſed "ſhall enjoy the right of a ſpeedy "and a public trial by an impartial "jury; ſhall be confronted with "the witneſs againſt him—and "ſhall have compulſory proceſs for "obtaining witneſſes in his favor." In this clauſe, according to my comprehenſion of it, Mr. Cooper's right to call upon the preſident or any other perſon whoſe teſtimony he ſuppoſed would operate in his favor, is clearly eſtabliſhed—nor do I find in any other part of our magna charta a ſingle ſyllable to impair that right.

Whence then is derived the authority exerciſed in this caſe by the bench, not certainly from the conſtitution—nor from any exiſting law in the United States, and it is quite improbable that it ſhould be among the unenumerated authorities incident to a court: for if it were, every accuſation would neceſſarily be a condemnation, at their mere will and pleaſure. In other words, if a court has a right to prejudge the extent or application of a teſtimony which it has never heard, and that on any other ground (ſave the ſingle one of the legal diſability to ſet aſide one witneſs in a cauſe) it has a right to ſet aſide all, and of courſe to compel a jury to bring in a verdict of guilty. Thinking as I do of the judiciary of the United States, I conceive it to be utterly impoſſible, but that ſome reaſon may be given of their conduct, which plain men, like myſelf, cannot perceive. It is this latent and undiſcovered reaſon that I am now in ſearch of, and which for the reputation of our courts and the cauſe of federaliſm, I expect that ſome of the friends of government, better informed than myſelf, will be obliging enough to aſſign to the public. I ſhould like to know at the ſame time, how it happened that the papers required by Mr. Cooper, to be authenticated, were not authenticated.—The papers purporting to be anſwers of the preſident to ſundry addreſſes, were either written by Mr. Adams or they were not. If they were written by him, it is impoſſible that they ſhould contain any thing which could juſtify a libel upon his conduct, and of courſe, the papers ought to have been acknowledged.

If on the other hand the papers were not genuine, that is if they have been falſely attributed to Mr. Adams, where was either the error or the danger of openly diſclaiming them? As the buſineſs now ſtands, it gives the opponents of Mr. Adams a plauſible handle againſt him.—

"It is true (they ſay) that Cooper has been convicted, but who we aſk can be acquitted, if an executive will not authenticate its own acts—and if a court will prejudge teſtimony, and reject witneſſes, they have not heard?" Such are the queſtions that are aſked—and I honeſtly confeſs that they are queſtions which at preſent embarraſs me not a little. Like St. Paul, I do not think it enough to reply generally, that I believe all this to be right; I wiſh to be able to give a reaſon for the belief I profeſs—becauſe I generally find that when I cannot ſatisfy my own mind fully and completely, I always fail in my attempts to ſatisfy the mind of others.

EXTRACT FROM

JOEL BARLOW's LETTER.

LATELY ADDRESSED TO THE

PEOPLE OF THE UNITED STATES.

BUT in anſwer to what I have ſuggeſted relative to the beſt mode of defence againſt the inſults of Europe, it will be ſaid that you have ſettled your diſpute with England, without reſorting to it; and, what is more, you have ſtipulated that you never will reſort to it. Have you ever calculated the real expence, paſt, preſent, and to come, of ſettling that diſpute in the manner in which you have done it? It has coſt you, 1ſt. a ſacrifice of character, perhaps irretrievable, in the diſgrace of having injured your old friend in her own diſtreſs, aided your moſt inveterate enemy, and abandoned the ſtrong hold which the nature of things had given you, and in which you always would have been able to defend yourſelves againſt them both, with perfect dignity and independence. You ſeem to have forgotten that different nations, as well as different animals, have different means of defence, with which nature and circumſtances have reſpectively endowed them. England is defended almoſt entirely by a maritime force, without deeming it neceſſary to fortify her towns, or keep on foot any conſiderable army on land.—Auſtria depends wholly upon her land troops and her fortifications. The Pope, though for many ages the moſt powerful monarch in Europe, depended on no phyſical force by land or ſea, but altogether on a moral force, or church policy.—Now if either of the latter powers had ſaid to England: lay aſide your navy: it is diſhonorable to make uſe of wooden walls and floating batteries: you ought to allow your enemy to land in your country when he pleaſes, and then truſt to your bayonet or your prayer-book for defence,——is it probable that England would have been perſuaded by that argument to ſet fire to her ſhips? The defence of the United States lay in the peculiar nature of their commerce. You have an invincible bulwark in the debts you were conſtantly owing and renewing with the nations that had it in their power to menace your repoſe. But the firſt nation that takes it in her head to inſult you, comes and tells you that your mode of defence is diſhonorable, that you muſt not uſe it but give it up by compact. And although it was more ſure, more peaceable, more natural and leſs expenſive

than any other that could be imagined, you immediately reſign it into her hands.

2d. Your manner of ſettling that diſpute has brought on a rupture with France, which has already coſt in private plunder and public preparation for war, at leaſt 60 millions of dollars. And it is not yet certain how much higher theſe loſſes will riſe, before the buſineſs is terminated.

3d. The moſt frightful and moſt incalculable expenſe, is one which is only yet beginning to begin: it is that terrible ſcourge of maritime nations, a military navy. I beg you to contemplate for a moment the abyſs that your leaders are digging under your feet in the naval ſyſtem now organiſing with ſo much addreſs. You then liſten at your leiſure to that ſwarm of ſpeculators, who live upon your loſſes, and are now clamorous in favor of this ſyſtem with as much affectation of patriotiſm, as if your ſalvation, inſtead of theirs depended upon it. I will only obſerve that it has been the ruin of every nation that has hitherto adopted; it and that it muſt be ſo from its nature. It is the ſyphon put it ſuction, which never can ſtop, or moderate its action, till all that feeds it is exhauſted.*

To aſſiſt in dragging you into this buſineſs, you have been told (I think in one of thoſe oracles delivered to both houſes of Congreſs) that there is no example among mankind of a commercial marine, without a military marine to ſupport it. The fact is not ſo; and if it were, that is no reaſon why it ſhould continue to be ſo. The republics of Raguſa, Hamburgh, Lubeck, and Bremen, are among the oldeſt governments of Europe; and they are in a high degree navigating ſtates; that is, they have each of them a large commercial marine, and have had for many ages, without any military marine. Some of my readers will ſmile when they perceive that I am going to compare any of thoſe little ſovereigns with the great and independent republic of the United States. I ſhall do it only in one point; and there is one point in which the compariſon is very ſtriking, and I think applicable to the preſent ſubject.

None of the neighboring powers thinks proper to attack the commerce of thoſe ſovereignties, becauſe the intereſt of other neighbouring powers is concerned in its independence. In like manner, the power of St. James's (if our commerce were kept on natural footing of ſelf-defence) would not think proper to attack it, becauſe the power of Liverpool, Bermingham, Suffield, Mancheſter, London, and other commercial towns, which contain our creditors and ſtockholders, would oppoſe it for the ſtrongeſt of all reaſons, and with indubi-

NOTE.

* *I purpoſe, on another occaſion, to examine the naval ſyſtem of Europe; and to ſhew that it has been and muſt be ruinous, even to thoſe nations which had more plauſible reaſons for adopting it than we can have.*

table effect. The power of the Hague would be reſtrained, for the ſame reaſon, by the power of Amſterdam; the power of Paris, by that of Bourdeaux, Nantz, and St. Domingo; and ſo of the reſt.

I make no exception in the argument on account of the preſent deplorable rupture with France, becauſe this rupture never would have happened, if we had not firſt reſigned our armour to England; and becauſe the neceſſary energies and violent convulſions of the revolution have concentrated for a moment all poſſible powers within the walls of Paris; ſo that the voice of the commercial towns, the colonies, and the true intereſts of the nation, are not heard. But this is a criſis, ſo far as it reſpects France, which cannot be repeated; and ſo far as it reſpects the provocation on our part; I hope it never will.

Our eſſential character is that of an agricultural people: and, happily for us, the vaſt quantities of our vacant lands, which call for culture, and demand a population equal to half Europe, will preſerve us in this condition for ages to come. Our conſumption of European manufactures muſt therefore continue, and even encreaſe. The rate of intereſt, during this period, will neceſſarily be higher in America than in Europe. Of conſequence, the maſs of private debts, habitually due from our merchants to thoſe of the manufacturing nations, will not diminiſh, but probably increaſe, at leaſt for many years; perhaps as long as a military marine will be ſuffered to exiſt in any country. There could be no fear therefore that this our national defence would fail us, as long as the preſent ſyſtem of European policy ſhould continue; and we might at leaſt *furniſh* an example, if we could not *find* one, of maintaining a commercial, without a military marine. And I cannot but hope that there are perſons now living who will ſee the day when not a cannon ſhall be allowed to be carried to ſea, at leaſt on the Atlantic and the European ſeas.

But the navy ſyſtem with you is like the funding ſyſtem. When once the funding ſcheme was adopted as a principle by your ſpeculating legiſlators, it was neceſſary to create a debt to ſupport it. For as the ſyſtem could not live without the debt; and as they were determined to have the former, they muſt of courſe raiſe up the latter. In like manner, the rage for a navy, which the ſame politicians have been kindling and puffing for ſeveral years is at laſt wrought into a ſyſtem. They have created a new miniſterial department, adorned with all the pomp of patronage, and ready to contribute its part in the ſplendor of the executive, and the growth of the public debt. They have now at leaſt one argument for building a fleet; for what is a marine miniſter, without a marine? And what is a navy, without ſhips? Theſe two ſyſtems, whatever may have been the intention of their authors, are certainly calculated for the deſtruction of liberty in the United States. And they will not fail of their effect, unleſs they are checked in their preſent career.

No one will deny that a great change is taking place in the ſtate of ſociety in Europe, both as to the interior government of nations, and their exterior and reciprocal intercourſe. The rapid progreſs of thought, let looſe from the ſhackles of precedent, and following the ca-

reet of revolution that now ſhakes the political world, muſt neceſſarily lead to a new order of things. We all agree likewiſe, at leaſt all who reflect, that the law of nations is exceedingly vitious and unreaſonable in many reſpects; eſpecially in what concerns the rights of war and peace relative to commerce.—It gives too much favor and encouragement to a ſtate of war, and ſubjects to too many inconveniencies and vexations the inhabitants of ſuch countries as chooſe to remain in peace. It is evident that theſe unnatural regulations were made for kings, and not for people. They are founded on the principle that a ſtate of war is the chief ſolicitude of thoſe who govern; and the great object to be encouraged and ſecured. This is the origin of thoſe exceptions in the articles of free tranſportation, which have riſen to an enormous liſt, called *contraband of war*; it likewiſe gave riſe to the practice of ſearching neutral veſſels for enemy's goods; of ſubjecting them to extraordinary and unneceſſary rules of proof, to eſtabliſh the property; and many other ingenious vexations; as if we muſt make apologies for wiſhing to live in peace, and for being producers, inſtead of deſtroyers, of the aliments of human life.

No pacific nation can certainly be ſatisfied with this ſtate of things; as it evidently prefers violence and rapine to the honeſt purſuits of induſtry. Some of the powers of Europe, ſenſible of the wrongs, have united their efforts with thoſe of the friends of liberty, in attempting, for many years paſt, to change the law of nations in this reſpect; to emancipate neutral commerce from the tyranny of contraband, and ſereen it from the ſeizures and vexations incident to the prevailing ſyſtem. America once joined them in theſe views, and adopted the amelioration, as far as poſſible, in her early treaties in Europe; till her government chooſe to ſacrifice them to a more favorite project, and threw them into the general hecatomb of rights and principles, buried in the Britiſh treaty.

If theſe revolutions in Europe ſhould terminate in favor of general interior liberty, which is altogether probable, they muſt neceſſarily extend to exterior or commercial liberty. The law of nations muſt undergo a reviſion; and it muſt be ſettled on a general baſis of peace and honeſty, inſtead of violence and rapine. It would indeed have been glorious in the United States, who had given the firſt example to the world of interior and domeſtic liberty (in which they have now ſo many imitators) to have been alſo the firſt in aſſerting, defining, and maintaining the exterior liberty of trade, and thoſe rules of national intercourſe which muſt finally be reſorted to, as the baſis of a pacific ſyſtem. Your geographical ſituation as relative to Europe, not only called for ſuch a meaſure, but would have enſured its ſucceſs.

But while we regret that ſo ſingular an opportunity of doing ſo much good has been ſlighted and thrown away, it becomes us to conſider how much of the error is ſtill capable of being retrieved, and what will be the proper moment and the beſt method of attempting it. What are the meaſures that America ought to take, *to ſecure her own liberty; eſtabliſh a permanent and equal independence from every foreign power; command the*

respect and gain the confidence of all mankind; and induce the commercial nations to adopt a general plan of pacific intercourse, which will perpetuate itself, and better the condition of society? It is poſſible that theſe enquiries may be the ſubject of another letter which I may addreſs to you, my fellow-citizens, whoſe intereſt I will never ceaſe to cheriſh. I am your brother by the cloſe and complicated ties of blood, of early ſympathies, common dangers, and common triumphs; and your happineſs is naturally and habitually nearer to my heart than that of any other nation; though my general philanthropy leads me to pity the condition of every injured people, and to cenſure, if I cannot reſtrain, thoſe who lead them into error.

Some of you have blamed me for the ſeverity of my remarks on the conduct of your executive. It is becauſe you have made them gods, that you are offended with me for finding them but men. I never doubted the patriotiſm of your principal leaders; that is, ſo far as patriotiſm conſiſts in good intentions. But I doubt the patriotiſm of thoſe who lead your leaders. I ſee immenſe fortunes made by your funding legiſlators, out of the public funds which they funded for themſelves. I ſee the moſt perfidious meaſures propoſed, adopted, and perſiſted in, for hurling you from the exalted ſtation which enabled you to give commercial law to the governments of Europe; and for crouching you under the pelican wing of the worſt of thoſe governments. I ſee the treaty that conſummates this buſineſs, ratified in a guſt of paſſion, a moment of perſonal reſentment at an intercepted letter written by an officious French miniſter which happened to ſpeak of the weſtern inſurrection. And when the indignation of France, though excited by repeated provocation, riſes with ſymptoms of extravagant fury, and threatens an unjuſtifiable meaſure of revenge, I ſee no prudent or manly attempts on your part, to allay the ſtorm and prevent a rupture; but prevarication about fact, is given for explanation; and gaſconade at home keeps time with humiliation abroad. Then comes the flood of piracy and plunder let looſe upon your property; a ſcene of wickedneſs which no man can abominate more than myſelf, and no man has endeavored more to prevent or mitigate. But when I trace theſe deplorable effects to their proper and indubitable cauſes, I cannot confine my animadverſions to this ſide of the Atlantic. Though you may chooſe to deify your firſt magiſtrates, the original authors of theſe calamities, though you enſhrine them in the temple of infallibility, fence them round with ſedition laws, and intoxicate them with addreſſes, birth day odes, and bacchanalian toaſts, I ſee in them ſome of the frailties of men; and I will not join the chorus of adoration.

With reſpect to men, I am of no party I am a republican in theory and practice; notwithſtanding the diſgrace into which that principle ſeems to be falling in America. I conſidered it as my unalienable right, as well as my indiſpenſable duty, to render a ſervice to you wherever I find occaſion. And when ſuch ſervice has led me to notice what I thought wrong in the adminiſtration of your government, I have always done it; and in ſuch a manner as I thought would be moſt likely to lead to a correction of the abuſe.

POLITICAL ARITHMETIC.

[BY THOMAS COOPER.]

No II.

SPARSA COEGI.

THE comparative value of the agricultural and commercial ſyſtems, as objects of a ſtateſman's attention, begins now to be underſtood in France and in England, among thoſe who have turned their attention to political economy.—Much as this ſcience has been advanced by the diſquiſitions of a few writers in Great Britain, we certainly owe the faſhionable attention this moſt important ſubject is likely to receive, to the labours of the French *Economiſtes*, a claſs of Philoſophers in the trueſt acception of that word; but whom the conceited and ignorant partizans of the preſent day, and of this enlightened country, pretend to ridicule. For ſuch empty declaimers this paper is not intended; but it may perchance fall into the hands of ſome readers of a different deſcription, capable of reflection, and deſirous of information.

They will know how to appreciate the importance of the ſubject of this eſſay, and excuſe the imperfections of an attempt unavoidably ſo confined, and labouring under the want of public documents, and European collections; a want, which every writer wiſhing to be accurate, moſt woefully experiences in this country. Under theſe circumſtances I can undertake no more than hints; but I know them to be of moment; I have long wiſhed that the ſcattered facts of Political Economy and Statiſtics, young as theſe ſciences are, were collected and compared, that we might get at the important inferences they afford.

It ſeems determined in America, that we ſhall be a COMMERCIAL country. Our navy, our army, our loans, our increaſed taxes, have ariſen from our commerce. This is cried up as our moſt important reſource; as the means of riches, of power, of conſideration.—Upon this ground are our preſent warlike exertions triumphantly defended. I, on the contrary, am firmly perſuaded, *until* the home territory of a country be accurately cultivated, and fully peopled—untill manufactures, founded upon population, are in a ſtate to require other markets to be ſought—that foreign commerce is a loſing concern; an appropriation of capital in all caſes inexpedient, and in moſt caſes detrimental to the country; that it has proved ſo to the commermercial nations of Europe: that to afford it ſupport by prohibitions and bounties, or protection by engaging in wars on account of it, or by manning navies in its defence, is egregious folly and groſs injuſtice. That if it cannot protect itſelf, or be carried on without the foſtering aid of government, it ought, like every other loſing ſcheme, to be left to its own fate, without taxing the reſt of the community and their poſterity for its ſupport. That foreign commerce is particularly

inexpedient in this country, where there is so much land calling aloud for cultivation and for capital, and so deplorably managed for want of these.

1. *Of the meaning of Commerce.* The barter or exchange of commodities between different persons is commerce. If it be confined to the citizens of any country among themselves, it is called *internal commerce*, or the *home trade;* if between the citizens of one country and those of another, it is *external commerce*, or *foreign trade;* if by means of the citizens of one country bartering abroad the produce or manufactures not of their own but of other countries, it is the *carrying trade.* Foreign trade is susceptible of other distinctions unnecessary to be noticed in this sketch

2. *Comparative importance of the foreign trade, and home trade, in point of amount.* The country of all others most engaged in foreign trade, and generally presumed to owe her prosperity to this source, is Great-Britain. Let us see what her foreign trade amounts to, compared with her internal commerce.

It appears from the first report of the select committee of the house of commons, on the waste lands ordered to be printed, December 23, 1795, that in Great Britain there are 73,285,628 Acres; of which 51,178,627 are cultivated, and 22,107,001 uncultivated. The uncultivated lands are thus classed.

	Acres.
Lands incapable of improvement,	1,000,000
Do. fit for planting,	3,000,000
Do. fit for upland pasture,	14,000,000
Do. fit for tillage,	3,000,000
Do. fit for meadow,	1,000,000
	22,000,000

Hence, between 1-3 and 1-4 of the island of Great Britain still remains uncultivated: The average produce of the cultivated lands cannot be estimated at less than 3l. sterling per acre. It is generally agreed that the average produce of wheat lands, in Great Britain, is not less than 20 bushels per acre. A. Young states it at 24 for England. (Tour to France 341.)—The gross amount of the home trade, in the article of agriculture, is therefore about 150 millions sterling, annually. I forbear to calculate the amount of the trade of home consumption in wood, in minerals and manufactures; I have not documents enough; but it can hardly (in that plentiful and luxurious country) be less than half the value of the agricultural produce.

Such is the amount of her internal commerce, while at the time of Great Britain's utmost prosperity, immediately preceding the present war, *the gross amount of her exports never reached 23 millions sterling,** carrying trade included. I know the objections to the accuracy of custom-house entries, but they are the best evidence we have —and an error of a million or two, will make no difference in the present reasoning.

The landed produce above men-

NOTE.

* *I suspect the increase of late years, has been rather an increase of nominal value, than of quantity or real value. Perhaps if the exports were checked by the tonnage, it might throw some light on this; but not if the manufactures were of superior quality of late.*

tioned, is consumed by the necessary food of about 11 millions of people, including sailors: by the waste of the luxurious, the armies, the navies, the cattle, the horses of that nation. Prodigious as this amount seems to be, it is many years since Great Britain has been able to supply† her own consumption of grain. If a very small portion of the capital, expended in commerce and colonizing, had been applied to the third part of the kingdom now in waste, it would have yielded a produce equal to the whole amount of her export trade, and maintained a million of people more.

Next to Great Britain, France, of all the European powers, has the greatest proportion of foreign trade. That kingdom, before the present war, was calculated to contain 131,722,711‡ acres. I suspect this to be too much, but let it be taken at 130 millions, exclusive of roads &c. The wheat lands of France produce 18 bushels on an average, but of inferior grain to England, so that the proportion is about 25 to 18‖ in favour of the latter country. The value per acre of the gross produce of the lands of France is 35s. which brings the agricultural produce of that country to 227 1-2 million sterling. I have no means of estimating the amount of manufactures raised and consumed within the kingdom.

M. Arnould in his Balance du Commerce * states the average exports of France, from 1784 to 1788, at 354,423,000 liv. or about 151-2 millions sterling: in the year 1788 the exports of Great Britain were about 17 1-2 million. Can the prosperity and power of these kingdoms be owing to the merchants' gain, the 15 per cent. on these insignificant sums? Ought we not rather to look for it in the excess of industry over expenditure in the 200 millions of home trade? Especially when it is considered, that just before the present war, the taxes of Great Britain (exclusive of roads and poor rate) amounted to near 20, and of France to 25 millions?

We are surprized too at the exertions of Great Britain, at the expences she supports, at the nearly balanced power of that country and France, though the one contained 26 millions of people, while the other including the population of Ireland, contained but about 13 or 14. But we shall cease to wonder when we consider, that if we add to the agricultural produce of Great Britain 40s. an acre for 26,000,000 of acres in Ireland, the gross amount of the internal and external commerce of the two

NOTES.

† *See the report of the lords of the committee of council for trade and plantations, March, 1790, who state the annual import for 18 years to 1788, to be £. 291,000. The report of the committee of the board of agriculture in 1795, state the average quantity imported (beyond the export) for 18 years Jan. 5, 1789, at 42,657 quarters (8 bushels to a quarter) of wheat, and 284,175 quarters of oats. France is or was in nearly the same situation.*

‡ *Young's tour to France, 1, 282.*

‖ *Ibid, 341.*

* *Ibid, 498.*

nations will be about the ſame.— But how is it that 100 millions of acres in Great Britain and Ireland ſhould be as profitable as 130 in France? Becauſe the farmer of England employs at leaſt double the capital in his buſineſs, and the landlord in permanent improvements as much as the farmer.— Young does not exaggerate when he calculates (not the *farming* which would be much more) but the farmer's capital in Great Britain and Ireland at 275 millions, and in France at 262.‡ Here lies the ſecret of 10 buſhels of wheat in America, 18 in France, and 24 in England. Yet are we extolling, encouraging and protecting foreign commerce.

But let us turn our eyes to the produce of our own country. Our preſent population will not be deemed exaggerated at 4 1-2 million.— Suppoſe 5 acres per head cleared; a proportion not too large; for I know, by repeated calculations, that in the average farming of this country, it takes at leaſt 3 acres to ſupply the food of a labouring man here. There will then be 22 1-2 million of acres in cultivation.— Suppoſe the produce equal to the value of ten buſhels of wheat, or 50s. currency, or 30s. ſterling? the groſs produce will be 33 1-4 million ſterling. Add for the produce of wood lands, in the paſturage of cows and horſes, in timber and in cord wood, a dollar per head per annum: this will make about a million ſterling more. Add for home manufactures, brewers, diſtillers, carpenters, joiners, ſmiths, weavers, taylors, ſhoe-makers, iron-works, &c. &c. 2 dollars per head more, and the aggregate will be about 37 millions and an half ſterling, as the groſs amount of the internal commerce of this country.

The laſt report of the groſs amount of foreign trade (our exports) was 61 millions of dollars; of which 33 millions was the produce of other nations; our own foreign trade therefore conſiſted of 28 millions of dollars, or about 6 1-4 million ſterling only!

Hence it appears that in England, France and America, the groſs amount of the home trade is prodigiouſly greater than the foreign trade. The latter is therefore an object of trifling importance, when compared with the former.

3. *The capital employed in the home trade is much more beneficial to the country than the capital employed in the foreign trade.*

If a merchant employ 1000l. in purchaſing and exporting the produce of this country, and importing in return the produce of another, all the gain to himſelf and to this country will be the profit he makes upon the capital thus employed: the produce purchaſed and exchanged is the fruit of a home capital in each country previouſly expended. But if the 1000l. were laid out in agriculture for inſtance, or in raiſing any article of home manufacture, the groſs produce, the whole reſult, is gain to the country: it is an acceſſion of valuable produce within the country to the amount of its value. Whatever may be done mith 1500 pounds worth of wheat raiſed in the country, it is

NOTE.

‡ *Ibid*, 430.

till ſo much valuable produce belonging to it. The *whole* capital thus productively expended is gain to the community. The *whole* of the ſpur to induſtry is at home: whereas the capital of the merchant, is beneficial directly to himſelf alone, and indirectly is as much a ſpur, a ſtimulous to induſtry in the foreign as in the native country.

Hence, if the profit of the merchant and farmer be the ſame, 20 per cent. for inſtance, 1000l. employed by a merchant is gain to the country to the amount of the merchant's gains, or 200l: but 1000l. employed by a farmer is gain to *him* of 200l. and to *the nation* of 1200l. for there exiſts 1200l's worth of real wealth, of valuable produce, more than before. I beg my readers to reflect upon this very important view of the relative values of the two ſyſtems.

4. *That the lands of this country ſtand particularly in need of capital.*

This cannot be doubted. The ſmallneſs of the produce, compared with Europe, is moſt diſgraceful to America. It certainly is not half the produce of England, if it be above half that of France. I have not room to enter into details, but I refer to Arthur Young (Tour 343, 431) for the reaſonings that ſhew the greater produce of land in England over France, to be owing almoſt, if not entirely, to the greater capital employed in Engliſh agriculture. But while a produce rent—the ſyſtem of *Metayers* exiſts here, it is impoſſible land can yield one half of what it ought. I cannot dilate upon this article important at it is. I beg my reader to think on the ſubject, and peruſe with attention the paſſages I have referred to.

5. *The capital of the foreign trade is more precarious than that employed in the home trade.* Precarious from the hazard of ſtorms, the hazard of war, the hazard of failure of a debtor at a great diſtance and under foreign juriſdiction. The very idea of inſurance companies is commercial. Hence, if the ſame capital could be employed to equal profit, national and individual, at home, it were better ſo employed than abroad.

6. *The capital employed in the home trade circulates twice or thrice, while a capital in the foreign trade circulates at home but once.* Reflect upon the travels, if I may ſo call them, of a capital employed *at home*. 1ſt. It goes from the home merchant to the home producer (whether agriculturiſt or manufacturer.) 2dly. From the conſumer or purchaſer to the home merchant, and ſo on. In the *foreign* trade the capital goes, 1ſt. into the hands of the home producer, and thus far is a ſtimulous to induſtry at home. 2dly. It is entruſted in the form of produce to the captain or ſupercargo, who, 3dly. delivers it to the foreign merchant. He of courſe demands a credit equivalent to the time neceſſary for the return of his own capital at home into his hands. 4thly. From the foreign merchant it paſſes to the foreign purchaſer or conſumer who pays for it. 5thly. The foreign merchant again inveſts it with the foreign producer.—6thly. The produce thus purchaſed is entruſted on board ſhip, whence, 7thly, it gets into the hand of the home merchant, who, 8thly, ſells it and gets his capital again from the home conſumer, to be again ſubjected to the ſame routine.

Adam Smith (Wealth of Nations, Book II. Ch. 5.) has ſtated this caſe generally, and M. Herenſchwand (Diſc. ſur le Commerce

exterieur, p. 6) more particularly: My ſtatement is ſomewhat different: I refer to theſe authors; no man ought to pretend to be a legiſlator in the preſent day, who is not well read in both of them.—Hence it is evident, that the ſame capital puts in force two or three times the induſtry at home, when employed in the home trade, that it does when employed in the foreign trade. In the latter caſe its effect is equally divided between the two countries.

7. *That the capital embarked in the carrying trade is of no use in a national point of view.* For it is employed to promote the induſtry of foreign countries. If Mr. America purchaſes the coffee of Monſr. St. Domingo, and then inveſts it in the Sherry of Signor Spain, it is clear he gives encouragement to St. Domingo and Spain: and if the wine of Spain be brought here, he gains at the expence of the Americans alone; out of their pockets the whole of his profits come. In the foreign trade of conſumption, half the merchant's gains are from the foreign, and half from the home conſumer.—As to the employment of ſeamen, it is a detriment and no benefit to the country; at leaſt to a country like ours of ſcanty population.

8. *The merchant, and all the people directly employed by him, rank among the unproductive classes of society.* The farmer, the woodcutter, the miner, (and perhaps ‡) the manufacturer, employs his capital and labour in producing real riches, ſome commodity of value: the merchant, the agent, the factor, the retailer, the clerk, the captain, the ſeaman, are employed in arranging, aſſorting, tranſporting, dividing, what has been already produced by the capital and labour of others. If produce be (as it clearly is) the real, the only riches of a country, we ought to aim at increaſing it; and encourage (if the ſyſtem of encouragement *be* adopted at all) the employments that are productive, rather than thoſe that are not ſo. I am aware of the objection, where ſhall we find a market? It cannot apply to a young country like ours, to a country of ſcanty population, to a country whoſe produce conſiſts of the *necessaries* of life. But I ſhall notice it again.

9. *Sailors, the favorites of the populace, and the boast of the partizans of expensive governments, are doubly unproductive.* I except the fiſheries: there they are productively employed. But I ſpeak of our foreign trade; that is my ſubject. What does a ſailor add to the produce of his country? His ſole employ is to tranſport it from one country to another: in doing this he conſumes indeed the produce of his own and of other countries, but he produces none. He is ſtill farther unproductive; he

NOTE.

‡ *The Economistes say, manufactures are not, A. Smith contends that they are, a productive class: See his Wealth of Nations, iv. Chap. 9. The respectable author of the "Essential principles of the Wealth of Nations," (published for Becket, London) coincides with the French writers.* See *L'ordre essentielle des Societe politiques, ii. p. 402.*

contributes little or nothing to population; he cannot marry with prudence or convenience. Nor are his earnings spent in his own country; much of what an American sailor receives at home is spent abroad: he is at least half a foreigner. Indeed a sailor can hardly be said to belong to any nation, nor will a country whose government has not a tendency to commercial wars, increase them if it can be avoided.

10. Nor is it a slight objection, that while by the peaceful products of agriculture, gains can be made but slowly, gradually, and by the regular exertions of habitual, wholesome industry, the commercial speculator often gets rich by accident, by unfair venturing, by sudden exertions. Wealth thus suddenly obtained is in many respects detrimental to the community. It operates as a lottery: it tempts capital into trade beyond prudent bounds: it entices to unjustifiable boldness: it introduces ostentation, luxury and pride, and manners out of harmony with republican principles.

11. *The merchant is of no country.** His connections extend to all: his property is moveable, transportable. The home trader is fixed: he has his all at stake in the country he lives in: he has no interest out of it. Therefore the one can, and the other cannot, be depended on as a good citizen.—The merchant cares not, if for his private gain he involve the country in dispute; his increased expences are laid upon the price of the commodities he imports; the consumer at home repays him.—The farmer, the manufacturer, &c. have neither the temptation, the means, nor the opportunity, of doing national mischief. Let the reader reflect on the cover our professed neutrality has afforded for illicit trade, for jealousy, for complaint, for attack.

12. *The merchant has an interest opposed to the interest of the consumer.* The merchants form a small class: the consumers form the nation. It has been observed before, that the merchant's gains come out of the consumer's pocket. It is his interest to make them as large as he can; it is the interest of the nation to make them as small as is consistent with justice. The merchant living by trade, cares not at what expence to the consumer (i. e. to the nation) that trade is supported. It is his interest, his business, to magnify its importance; to obtain protection for it though at ten times its value to the nation; to support every scheme of revenue, to engage government on his side. Is not all this evident? Have we experienced nothing of this?

13. *The most flourishing, populous and best cultivated parts of Europe are not maritime or commercial.* I except Holland, which can hardly be called a country; it is a city of merchants; driven into the system of foreign commerce, and the carrying trade, by their maritime, situation and the small extent

NOTE.

* *See the observations of Mercier de la Rivere, l'ordre essentielle des societes politiques, vol. 2, p. 310 and Adam Smith, vol. ii. p. 54.*

of landed territory they poſſeſs. I ſelect the following, from Dr. Jameſon's Political Geography, which I think, upon the whole, is more accurate than Zimmerman's.

Maritime & Colonizing nations.	*Inhabitants upon one square mile.*
Great Britain,	119*
Great Britain & Ireland,	111
England & Wales,	150†
Ireland,	109
Scotland,	59
France,	157‡
Spain,	70
Portugal,	72
Sweden,	14
Denmark,	13
Ruſſia in Europe,	17
States of little or no foreign commerce.	*Inhabitants per square mile.*
The whole of Germany,	135
Palatinate of the Rhine with Bavaria,	134
Electorate of Saxony,	150
The French acquiſitions on the left bank of the Rhine ſince the war,	200‖
Piedmont,	240
The Milaneſe, and Auſtrian Italy,	240*
The Pope's State,	160
Republic of Venice,	193

To which it will not be unfair to add the empire of China, with no foreign trade, but permitting every nation, on payment of duties, to fetch away her commodities, 333 per ſquare mile. To ſay nothing of the inland country of India, equally populous by the cultivation of the earth and internal manufacture.

I may aſſert farther, as a known fact to European travellers or readers of travels, that the public monuments of art and apparent wealth of the uncommercial table is far beyond the other.

14. *That commerce has never paid the interest of the expensive wars it has induced: and that to commerce is now owing the funding system.* It is uſeleſs to examine this queſtion by the example of many of the maritime countries of Europe; the inferences which the facts of Great Britain will furniſh, are enough: *ex uno disce omnes.* I have before obſerved, that I am fully aware that all tables of export and import are inaccurate, varying according to the motives of the merchant in giving in his valuation. But the

NOTES.

* *Zimmerman.*

† *This is far too great, being calculated on a surface of* 79,712 *square miles, whereas the report of the committee of waste lands, before quoted, make a surface of* 114,500 *square miles.*

‡ *This also is too high an estimate, being calculated on a surface of* 157,924 *square miles, whereas Neckar's account, adopted by Young, on much consideration, gives* 205,816 *square miles.*

‖ *This is lower than the estimate in the Aurora of June* 3, 1798, *which I suspect to be taken from the Statistical Tables published at Berlin, and added to Dornfords translation of Putter. But I have not now that work by me.*

* *I refer to Young's account of Italy generally, and recommend a careful perusal of it.*

utmoſt ſuppoſeable inaccuracy will not affect my general concluſions. It will not be neceſſary to go farther back than the two laſt reigns.

Sir John Sinclair, in his hiſtory of the public revenue (ii. 99) ſtates the expence of the commercial wars during theſe two reigns, as follows:

War of 1739,	- £. 46,418,689	
War of 1756,	- 111,271,996	
American war,	- 139,171,876	
Ruſſian armament (this armament, however, coſt at leaſt £ 500,000.)		311,385
Vote of credit for the Spaniſh armament, 1,000,000 which coſt ſomewhat more than		2,000,000
	£. 299,173, 946	

If this 300 millions had been inveſted in agriculture, it would have conſtituted a fixed, a permanent ſtock of real wealth, that would have gradual improved, and have doubled the produce of Great Britain. Then indeed a foſtered ſyſtem of foreign commerce might have been juſtifiable. At preſent this immenſe ſum is totally loſt, waſted, annihilated. Suppoſe however that the loſs were merely the common intereſt of money; this, at 5 per cent. (and the average of loans is not leſs) would be fifteen million ſterling per annum,

The average expence of the navy, in time of peace, has been of late years about 2 millions: is it unfair to ſay that 1 million at leaſt is made neceſſary by foreign commerce, and the other for home defence?

The expence of fortes in the plantations and Gibraltar—African forts—the civil eſtabliſhments of Canada and other colonies in the Weſt Indies and Britiſh America—charge for loyaliſt ſettlers in Upper Canada, and other articles appertaining to foreign commerce, amount to about £. 400,000 per annum. I calculate nothing for the expence of building of ſhips, for the ſtorehouſes, the fortifications of Gibraltar, &c. &c.* Call that 400,000 half a million, then does Great Britain pay for her foreign trade 16 1-2 millions annually, beſides the annihilation of 300 millions of capital!—while the profit upon that foreign trade, at 15 per cent. (which I know the mercantile profit of that country does not exceed) brings in but about 3 1-2 millions.

I have ſaid nothing reſpecting the Eaſt Indies; let the expences of peace, and the expences of defence be conſidered as compenſated by the 3 millions of territorial revenue ſaid to be derived from thence.

Is this a ſyſtem of infatuation or not? And are we, or are we not running on in the ſame career of abſurd, incalculable extravagance?

Much indeed of this expence has been owing to the ſyſtem of coloniization; but colonization is the immediate offſpring of foreign commerce. I am decidedly convinced that colo-

NOTE.

* *I have taken the preceding calculations from the "Supplies" in the Annual Registers, for half a dozen years preceding the preſent war.*

nies are mill-ſtones round the neck of every European nation who has foſtered them; the very worſt part of the ſyſtem of commerce.† And I am ſorry to ſay that much of the calculations which demonſtrate this, are applicable to the conduct of the United States, in their mode of peopling the wilderneſs of America. After the preceding facts, who can heſitate to allow, that if the funding ſyſtem had not its origin, it has had its permanence in the ſyſtem of foreign commerce.—I ſhall not attempt to prove that this funding ſyſtem, though ſlowly, is certainly deſtructive of the proſperity of a nation; that it excites to war; that it renders a government careleſs and extravagant; that it encourages ſpeculation; that it locks up productive capital: that it is manifeſt injuſtice to poſterity, &c. I refer the reader to the works of A. Smith and A. Young on the one ſide, and De Caſaux on the other; nor will he find his leiſure ill employed by peruſing Dr. Logan's publication in this country, containing a conciſe but juſt view of the more prominent evils of this ſyſtem.

15. *The modern system of foreign commerce, is not only expensive beyond all calculation of its profits, but it has proved one of the most productive sources of human misery.* Are the wars it has occaſioned ſufficient to demonſtrate this? If not, turn your eyes to the conduct of the Spaniſh in South America—the Portugueſe in Africa—the Britiſh and the Dutch in the Eaſt Indies—to the ſlave trade, that diſgrace to humanity; and then ſay if this propoſition needs farther proof.

What then are we to do? to prohibit commerce? to refuſe protection to our citizens engaged in lawful occupations? are not our merchants as much entitled to defence as any other claſs? No.—Prohibiting nothing, but protect no ſpeculation, no inveſtment of capital at an expence beyond its national value. If wars are neceſſarily attendant upon commerce, it is far wiſer to diſpenſe with it; to imitate the Chineſe and other nations who have flouriſhed without foreign trade: your commodities, the nations who want them will fetch away: If they will go to China for tea-cups, they will come to America for bread. But if your merchants *chuse* this mode of inveſting their capital, do not forbid them: let them do it like other adventurers, at their own riſk: while it is profitable, let them carry it on, but ſhould the quarrels of other nations render it unprofitable, do not bolſter it up by the bounty of protection, at the expence of every other claſs of the community. If a cotton ſpinner, or any other manufacturer, ſhould apply for a bounty to enable him to carry on his trade, would it not be fair to ſay, if it is profitable you

NOTE.

† *Let any man peruse Anderson's Interest of Great Britain with regard to her colonies, considered—the observations of De Casaux and Tucker upon the same subject, and the remarks interspersed through the very valuable writings of that bigoted Anti-democrat, A. Young, and his mind will be made up on this question.*

need none: if not, employ your money and your time in ſomething that is. Why not ſay the ſame to the merchants.

If any profeſſion is to be foſtered, let it be the tiller of the earth, the fountain head of all wealth, and all power, and all proſperity. Improve your roads, clear your rivers, cut your canals, erect your bridges, facilitate intercourſes, eſtabliſh ſchools and colleges, diffuſe knowledge of all kinds; agricultural, veterinary, ſtatiſtical. No fear but if you raiſe produce and people, they will find their market. It will ſoon be diſcovered what articles are wanted, what are the moſt profitable, and ſuch will be ſupplied. On this ſimple plan of *home defence*, how is war poſſible? Who would, or who could invade you? But on the ſyſtem of foreign commerce, a ſmuggling merchant may involve you in diſpute, and render peace and happineſs inſecure: on that ſyſtem, ſooner or later, war, taxes, debts, and deſpotiſm are inevitable.

T. C.

POLITICAL QUESTIONS,

Seriously addressed to the consideration of the imitator and admirers of Jeffries, once the tyrant of the English bench.

IF Mr. Jefferſon ſhould ſucceed in the next preſidential election, and the chance is in his favor, it will become his duty to nominate candidates for ſome of the moſt important offices under the federal government. And if Mr. Ellſworth, who is our preſent chief juſtice, ſhould be removed from that office by impeachment or death, or like his predeceſſor, Mr. Jay, be elected governor of his native ſtate, which latter caſe I do not think as probable as either of the former; in caſe of theſe events,

1ſt. Is it probable that Mr. Jefferſon, in ſearching for a ſuitable perſon to fill that office, would caſt his eyes upon a man, who had deſcended from a very dignified ſtation, to become the *pack-horse* for conveying ſedition; who had become the bearer of a book from Baltimore to Richmond, with marks and notes deſignating the offenſive paſſages, which he contrived to lay before the grand inqueſt, thus becoming a voluntary *informer*, and willing tool of deſpotiſm, a character that has been uniformly held in utter deteſtation by all good men, ſince the commencement of civil inſtitutions?

2d. Would he ſelect for that office a judge, who had rendered himſelf odious, and deſpiſed by his contumely and daſtardly conduct, when ſhielded by the cloak of judicial authority from juſt chaſtiſement, for perſonal abuſe?

3d. Or is it probable that Mr. Jefferſon would diſgrace himſelf, or continue to diſgrace the union by elevating a notorious traitor; a man who, while he was a member of congreſs during the revolutionary war, betrayed a ſtate ſecret, to a flour ſpeculator, and became a partner in the monopoly of that article, thereby enriching himſelf at the ex-

pence of the nation. the diſadvantage of his fellow-citizens, and the ſacrifice of his honor and integrity.

4th. Can it be preſumed that a man would be preferred to that office, whoſe ambition to obtain a ſeat in Congreſs had led him to the diſhonorable alternative of collecting a gang of ſailors at the place of election, and qualifying them to vote by veſting them with momentary poſſeſſion of the legal ſum of property; thus by paſſing his own gold watch from hand to hand, conveying the *elective right* to a ſufficient number of vagabonds to enſure him the ſeat which he did not fail to diſhonor.

5th. Who will dare to reflect upon the purity and the underſtanding of Mr. Jefferſon, ſo much as to ſuppoſe that he would even contemplate the nomination of a man who, while in London, ſuffered his thirſt for *rank* (of which he is ſtill tenacious) and his deſire of wealth, ſo to cloud his judgment and faſcinate his underſtanding, that while he imagined he was engrafting himſelf into a rich branch of ſome noble family, he was really performing the marriage ceremony with a caſt off miſtreſs of the Prince of Wales; and who, when he diſcovered that he had been duped to become the ſcavenger of a royal ſeraglio, perfidiouſly left his lawful wife a victim to pride and ambition.

6th. Can it be ſurpriſing that a man of the above deſcription, ſhould in his youth, as a preface to his future exploits, have been *guilty of Stealing a Cow!* and ſo to diſfigure her, by painting and docking, as to elude detection; and is it poſſible that ſuch a man can have the leaſt hopes of arriving at the pinacle of our judiciary department?

7th. In ſhort, can it for a moment be ſuppoſed that Mr. Jefferſon could be led to ſelect for that office a man whoſe intelligence and underſtanding are ſeldom ſurpaſſed, and which are only equalled by his malignity and his meanneſs; who owes his elevation to his intrigue,—his riches to his treachery; whoſe private villainy is only ſurpaſſed by his public iniquity, whoſe every acquirement of the head, is obſcured by the depravity of his heart—and who is calculated to chace the laſt ſpark of liberty from his devoted country.

SUMMARY HISTORY OF THE PRESENT TIME.

24th year of the Republic.

On the 13th of April laſt, Charles Holt, Editor of the Bee, of New-London, Connecticut, was tried for Sedition. He had, in the ordinary courſe of his buſineſs, publiſhed a communication wherein the mercenary army for which we pay about 4,000,000 of dollars per annum, was called a *ſtanding army*, and young men were adviſed not to enliſt into it. Whether the advice had the deſired effect or not, it is impoſſible to determine, but the reſult of the recruiting ſervice in that ſtate is ſuch as muſt be pleaſing to every friend of liberty and morality. The advocates of the army were extremely chagrined; their

vengeance fell on the Editor of the BEE. On the trial, the attorney for the diſtrict contended that our army was not a *standing* but a *provisional* one; Mr. Holt was adjudged to ſuffer three months impriſonment, and pay two hundred dollars as a fine. We may ſearch in vain through the hiſtory of other civilized nations, for a parallel to this enormous injuſtice; we may then turn with diſgrace to our own hiſtory,—the annals of the twenty-third year of our independence record the caſe. The principal accuſation againſt the firſt victim of the Sedition law, (that ſanguinary inſtrument of a corrupt faction, who, conſcious of the guilt of their conduct, dread its inveſtigation,) was the writing of a letter, previous to the enacting of that law, in which he ſaid,

"As to the executive, when I ſhall ſee the efforts of that power bent on the promotion of the comfort, the happineſs, and accommodation of the people, that executive ſhall have my zealous and uniform ſupport: But when I ſhall on the part of the executive, ſee every conſideration of the public welfare ſwallowed up in a continual graſp for power, in an unbounded thirſt for ridiculous pomp, fooliſh adulation, and ſelfiſh, avarice; when I ſhall behold men of real merit daily turned out of office, for no other cauſe but independency of ſentiment; when I ſhall ſee men of firmneſs, merit, years, abilities, and experience, diſcarded in their applications for office, for fear they poſſeſs that independence, and men of meanneſs preferred, for the eaſe with which they take up and advocate opinions, the conſequence of which they know but little of—when I ſhall ſee the ſacred name religion employed as a ſtate engine, to make mankind hate and perſecute one another, I ſhall not be their humble advocate."

What could be more harmleſs? the writer was adjudged to ſuffer 4 months impriſonment, and pay a fine of 1000 dollars; and it was complied with. Fifteen hundred of his fellow-citizens, without his requeſt, petitioned Mr. Adams, firſt ſervant of the conſtitution, and agent of the laws, for a remiſſion of the ſentence;—but malice had uſurped the ſeat of mercy. Tiberius the 3d Emperor of Rome, in anſwer to ſatire and calumny, ſaid, "*in a free state, men's thoughts and tongues ought to be free*," and yet we are told he was a deteſtable tyrant. What picture would the ſame hiſtorians draw of the adminiſtration of John Adams? Thomas Cooper, a gentleman of eminent talents was likewiſe arraigned under the Sedition Law, at the laſt ſeſſion of the federal diſtrict court in Pennſylvania. To refute a calumny propagated againſt him by men who wiſhed to have him tho't as baſe as themſelves, he was led to notice a number of diſgraceful and unconſtitutional meaſures of the government.* They accuſed him of *meanly* ſoliciting the favor of Mr. Adams; he ſhews that his application was perfectly honorable;

NOTE.

* *Mr. Cooper's offence against power is published in full in the 3d No. of the Magazine.* *See Page 250.*

and that it was made before the Preſident had rendered himſelf obnoxious to his fellow-citizens, and deſpiſed by foreign powers. Mr. Cooper's offence will be found to be nothing more than plainly telling the truth. The *friends of orde*', having all the machines of government in their own hands, can even controul *what ought to be* courts of juſtice, and make them puniſh for ſpeaking the truth as well as falſehood; they profeſs to make every exertion to eſtabliſh *order*, they mean ſlavery—upon a ſure baſis: "when an uſurper," ſays Monteſquieu, "ſeizes the government of "a free ſtate, he calls every thing "order, which tends to ſecure the "authority in the hands of a ſingle "perſon; and whatever is favora"ble to the liberty of the ſubject, "goes by the name of confuſion, "diſſention, and anarchy." Auguſtus eſtabliſhed *order* in Rome; Adams wiſhes to eſtabliſh *order* in the United States. It is extremely ſurpriſing that men who have themſelves been perſecuted for their principles—who have ſeen ſo many examples of the force of truth, and the futility of attempts to check its progreſs ſhould become ſo intoxicated with "a little brief authority," as to loſe all reflection, forget their philoſophy, and ſet to work upon the principle of the inquiſition, and torture, of fire and faggot, to preſcribe, as with a pair of compaſſes, bounds for the free and incoercible mind of man. Perſecution has uniformly tended to promote the cauſe which it has aimed to depreſs. Gallileo ventured to aſſert that the earth moved, and the ſun ſtood ſtill; this was ſedition in them days, and he was impriſoned for the heritical aſſertion; but truth could not be confined, and his hypotheſis was generally acknowledged. Cooper has propagated the principles of liberty; he has dared to aſſert the truth; he is ſentenced to ſuffer ſix months impriſonment, and to pay a fine of four hundred dollars; yet liberty and truth are daily flaſhing with additional luſtre in the face of a whole people. Theſe leſſons ought to teach deſpots that the ætherial mind cannot be controuled.

IN the ſeſſion of the legiſlature of the ſtate of New York, in the winter of '98 and '99, a communication was laid before the lower houſe, from the governor of Maſſachuſetts, encloſing a propoſition for an amendment to the Federal Conſtitution, the object of which was to render ineligible to a ſeat in the Senate or Houſe of Repreſentatives all foreigners who were not reſidents in this country antecedent to the declaration of independence. It was very well known, and acknowledged, even by ſome of its ſupporters, that the propoſition was deſigned to exclude Albert Gallatin from a ſeat in Congreſs; it was, nevertheleſs warmly ſupported by a party in the Houſe of Repreſentatives; but honeſtly triumphed over intrigue—the trick was too well underſtood, it was worthy of its authors only—it was rejected by a majority of 32 votes. This was not a poſitive. but a collateral proof, that the majority of that body were republicans; it is true that common honeſty and policy would have dictated ſuch a deciſion. but that is not apt to govern men, devoted to a faction, and thirſting for power.—The Senate was in favor of the propoſition—The Repreſentatives in this aſſembly, from the city of New York,

were all republicans; they with others advocated a bill which proved to be very unpopular,—It coſt them their ſeats. Ariſtocrats were choſen in their ſtead, for the laſt aſſembly. Parties have been ſo nearly ballanced in that ſtate that the 12 members from the city would turn the ſcale in favor of their own party. The laſt ſeſſion, of courſe, was unfavorable to liberty. But we have been gladened with tidings, that announce the election of republicans, ſenators, as well as repreſentatives, not only in the city, but in many other counties and diſtricts. The names of Clinton and Gates grace the liſt from New-York. Theſe men were conſpicuous and active in "*the times that tried men's ſouls.*" They are remembered with the events of '75. The Journals of the old Congreſs will tranſmit their names with luſtre to poſterity.

The reſult of this election produces an epoch in politics, from which the republicans commence their real hopes and the ariſtocrats their real fears; Adams has been frightened into an act of juſtice;* and he has aſtoniſhed America with an act of mercy.† The great political queſtion is ſo well underſtood in that ſtate, that no party will leave an advantage unimproved; the electors for a Preſident will be of the ſame opinion as the majority of the members of the enſuing legiſlature; and that they will be republican, is placed beyond a doubt. Let us then enquire whether the reſult of the next election will remove us from the diſgraceful ſituation of being at once a *virtual* Britiſh colony, at the ſame time that we are blaſpheming the name of liberty, by pretending to be a free and ſovereign republic. In the laſt election for Preſident and Vice Preſident of the United States, the votes for Adams and Jefferſon were as follows:—

	Adams.	*Jefferſon.*
New-Hampſhire,	6	0
Penſylvania,	1	14
Vermont,	4	0
Maryland,	7	4
Virginia,	1	20
North-Carolina,	1	11
Connecticut,	9	0
Rhode-Iſland,	4	0
Maſſachuſetts,	16	0
New-York,	12	0
New-Jerſey,	7	0
Delaware,	3	0
South-Carolina,	0	8
Georgia,	0	4
Kentucky,	0	4
Tenneſſee,	0	3
	71	68

I will ſay nothing about the unfairneſs by which Mr. Jefferſon was ſhuffled out of the laſt election, or of the probability of charges in his favor, only in New-York; till I have made a ſtatement under the preſumption that the whole of the votes from that ſtate will be given to him; and the votes of all the other ſtates as they were before.—Deduct the 12 New-York votes from Mr. Adams's and add them to Mr. Jefferſon's liſt and they will ſtand

NOTES.

* *The removal of Timothy Pickering.*

† *By reprieving Fries, Hainey & Getman.*

Jefferſon,	80
Adams	59
Majority	21

Even if the votes of every other ſtate are counted as they were before, and the votes of New-York are equally divided between the candidates; the reſult will be a majority of nine for Mr. Jefferſon.

Let us enquire what will be the probable changes on either ſide, provided a free and fair election takes place in every ſtate, conformable to the wiſhes of a majority of their citizens. Adams had the whole of the votes in New-Hampſhire, Vermont, Connecticut, Rhode-Iſland, Maſſachuſetts, and Delaware in which, I cannot ſee any flattering proſpect of a change. In South-Carolina, Georgia, Tenneſſee and Kentucky, Jefferſon had the whole, and I cannot think that adminiſtration have any reaſonable hopes of a change in any of theſe ſtates except South-Carolina.

The votes of the following ſtates were divided thus:

	Jefferſon.	*Adams.*
Pennſylvania,	14	1
Maryland,	4	7
Virginia,	20	1
N. Carolina.	11	1
	49	10

The vote that Adams had in Pennſylvania was obtained by colluſion; he cannot expect another from Virginia; Maryland has veered ſo much, ſince the election, towards the polar ſtar of truth, that it is uncertain whether the votes will not be equally divided in that ſtate.

A conſiderable defalcation from the republican intereſt has taken place in North-Carol na, owing I believe to its want of free preſſes, and decided editors, we will therefore allow a loſs of 3 votes in that ſtate. The ſame reflection, but with leſs weight is applicable to South-Carolina.

At the time that Adams was elected, New-Jerſey was entirely anti-republican. At the laſt election for Repreſentatives the people turned out three of the five friends of Adams, and put in three republicans, we may therefore count upon a majority of electors there. Let us now ſee the moſt favorable ſtatement.

	Jefferſon.	*Adams.*
N. Hampſhire,	0	6
Maſſachuſetts	0	16
Vermont,	0	4
Rhode-Iſland,	0	4
Connecticut,	0	9
New-York,	12	•
New-Jerſey,	4	3
Pennſylvania,	15	•
Delaware,	0	3
Maryland,	5	5
Virginia,	21	•
Kentucky,	4	0
Teneſſee,	3	0
North-Carolina,	8	4
South-Carolina,	6	2
Georgia,	4	•
	82	56

Majority for Jefferſon, 26.

As yet it is undecided whether Pennſylvania and New-Jerſey will have a vote, as no method is agreed upon by the legiſlature of either of thoſe ſtates; provided they are ſilent in the election we muſt deduct the 22 votes to which they are entitled, from the whole number, which is 138, and 59 will be a

majority of the whole remainder,* of which, according to the above ſtatement Mr. Jefferſon would have 63 and Mr. Adams 53; then a majority of ten remains to crown the victory.

May we not then, fellow-citizens, hope that another year will exhibit to the world a ſpectacle worthy of an independent and free people; a nation of freemen riſing in their majeſty, from the abyſs of diſgrace into which they have been whelmed by a ſyſtem of corruption and treachery, as old as the government itſelf, nurtured and proped up by all the art and wickedneſs of Great-Britain. Reaſon and truth, are rapidly diſpelling the clouds of prejudice, error, and falſehood, that have enveloped the minds of the great body of the people; we may expect to ſee,

1ſt. Foreign influence of every kind deſtroyed; a uniformity of conduct, as far as their relation to us will permit, adopted towards every nation; and the ſyſtem of extending our connection with diſtant foreign nations at the moſt enormous and uſeleſs expence, nipped in the bud.

2d. Our legal code no longer diſgraced and rendered ſanguinary by Alien and Sedition Laws.

3d. Our whole army of officers melted down to a level with their fellow-citizens, and permitted to attend to domeſtic affairs even without the allowance of *half pay* during life; and the few ſoldiers, that they have been able to enliſt, ſent back to the plough, or to their reſpective arts.

4th. Our navy, except what is neceſſary for the protection of our fiſhery, coaſting trade, and revenue; diſmantled of its arms, and ſtores, and ſold to the higheſt bidder, & the money appropriated to the reduction of the national debt; Such of the officers as have been guilty of outrages againſt the laws committed for trial; and the reſt, with the crews recommended to the delightful employments of agriculture;—where, inſtead of a bounty on captures, they, in common with their fellow-citizens ſhall vie for the premium which ſhall be offered to him who will raiſe the greateſt quantity of flax, cotton or wool, or manufacture the moſt cloth;

5th. Bank ſtock and funded paper, taxed in proportion to other property.

6th. The greateſt poſſible attention and encouragement given to literature and ſeminaries of learning throughout the union.

NOTE.

* *It has been asserted that a candidate cannot be elected to the presidency, by the votes of the electors, unless he obtains a majority of all the votes that the sixteen states are entitled to give. I think differently and found my opinion upon the following clause of the constitution. In Art. II, Sec. 1. In directing the mode of counting the votes of the electors, it says,* "The perſon having the greateſt number of votes, ſhall be the Preſident, if ſuch number be a majority of the *WHOLE NUMBER OF ELECTORS APPOINTED.*" *It is therefore evident if every state but one in the union, should refuse or neglect to appoint electors, the election of a President would devolve upon that one state!*

7th. Artiſts and manufactures of every kind invited and flocking to our ſhores; by whoſe aid we will ſoon render ourſelves independent of foreign nations for the neceſſaries of life. By theſe arrangements our national expenditure can be reduced more than half; our national virtue and honor will be retrieved; and our national character will be reſpected.

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Since writing the above, information has been received that the *ſtanding army* is to be diſbanded on the 15th of this month; thus the credit of their diſmiſſal is ſcratched from the republicans. The hiſtory of the reduction of this army is really as infamous as that of its riſe.

Some members of the faction to whom we are indebted for this unconſtitutional monſter, finding themſelves faſt ſinking into contempt, they graſped at this expedient, in hopes to keep themſelves afloat in the current of popular eſteem; it was only propoſed in the lower houſe, to commit power to the preſident to diſband them when he thought fit; the motion was carried.

An occurrence was ſoon to take place which would demonſtrate to the world how little the intereſt or ſafety of the nation is conſidered in competition with the pride and ambition of venal and abandoned courtiers. A long difference between Adams and Pickering was about to reſult in the removal of the latter from the office of Secretary of State. Pickering's friends in the Senate, to be revenged on Adams, received the motion with joy for diſbanding the army, which they conſidered the offſpring of his ambition, and in a great meaſure the ſupport of his plans; and the more to make their motives be felt by the Preſident, inſtead of leaving it at his diſcretion, they fixed the day on which the army ſhould be diſbanded. The republicans, regardleſs of the motives which guided the *Pickeronians*, did not fail to join them, and give ſucceſs to a meaſure calculated to be of immenſe ſervice to their country. Thus we ſee the army, which yeſterday almoſt the whole anti-republican party affected to look upon as the bulwark of our independence, the only protection againſt a French invaſion, and the only means of preſerving the union from rebellion and anarchy, is to day ſacrificed to ambition and malice. The motives for diſbanding the army would have been the ſame, and moſt probably would have had the ſame effect, if there had been any real neceſſity for its continuance. Thus we ſee the public good ſported with, by wretches deſtitute of principle or of patriotiſm who have by their addreſs wormed themſelves into the higheſt nitches in the political edifice.

From the Aurora.

PARALLEL.

Dr. JOHNSON, defines the ſubſtantive "Parrallel,' to be a reſemblance or conformity continued through many particulars"—and the ſon of *Sirach*—"By their works ſhall ye know them."

IN GREAT BRITAIN.

From Dec. 1764 to July 65—in the 5th year of the reign of George III. the following proſecutions for libels were tried.

1. Mr. Wilkes for republiſhing No. 45 of the North Britain.

2. Mr. Wilkes for printing a Poem.

3. Mr. Corbet for an advertiſement in the White-Hall Evening Poſt.

4. The celebrated D'Eon, for publiſhing a book in French, entitled Letters, &c.

5. Mr. Wilkes again for the original publication of No. 45 of the North Britain.

6. Mr. Williams for publiſhing the ſame in a book.

7. Mr. Kearſly for publiſhing the ſame in a book.

In America.

In the third year of the Preſidency of John Adams, under the *Sedition Law*—alias the indemnity Law.

1. Matthew Lyon, a member of Congreſs from Vermont, under the ſedition law, for a letter written before the law was made, and publiſhing an extract of a letter written by Joel Barlow, on the public affairs of the nation.

2. Abijah Adams printer of a republican paper at Boſton, for an alledged libel, under the Engliſh Common Law.

3. Anthony Haſwell a printer in Vermont, for publiſhing an extract of a letter written by James M'Henry, Secretary at war, to General Darke in Virginia, recommending tories for officers in the ſtanding army.

4. Charles Holt, printer at New-London Connecticut, for publiſhing moral arguments againſt the vices and abuſes of military eſtabliſhments, and an army confeſſedly uſeleſs, and ſubſequently aboliſhed.

5. *Thomas Frothingham* a journeyman printer at New-York, for republiſhing an article from a news paper, ſtating that Alexander Hamilton had endeavoured to deſtroy the Aurora, where the Engliſh common law was aſſerted, and the accuſed not permitted to bring evidence to prove the truth.

6. Luther Baldwin of New-Jerſey, for wiſhing the wadding of a cannon fired on a day of rejoicing were lodged in the Preſident's poſteriors.

7. Benjamin Franklin Bache, Grandſon of Dr. Franklin, for publiſhing an article declaring that a bribe had been taken in the Secretary of State's office, although the fact was acknowledged and the clerk was diſmiſſed for the fact.

8. Thomas Cooper of Northumberland, for publiſhing a number of truths about public men and meaſures, of which the following are the ſubſtance given in his plea, but upon which a jury found a verdict of guilty!!!!

1ſt. Mr, Adams, either by himſelf, or by the officers of ſtate acting under his authority, has given the public to underſtand, that he would beſtow no office but on perſons who conformed to his political opinions.

2d. Mr. Adams has declared, that a republican government may mean any thing.

3d. Mr. Adams did ſanction the alien law and thereby the abolition of the trial by jury, in the caſes that fall under that law.

4th. Mr. Adams did ſanction the ſedition law, and thereby entrenched his public character behind the legal proviſion of that law.

5th. Under the auſpices of Mr. Adams, the expence of a permanent navy is ſaddled on the people.

6th. Under the auſpices of Mr. Adams, we are threatened with the exiſtence of a ſtanding army.

7th. The government of the United States has borrowed money at 8 per cent. in the time of peace.

8th. The unneceſſary violence o

official expreſſions uſed by Mr. Adams, and thoſe in authority under him, and his adherents, might juſtly have provoked a war.

9th. Political acrimony has been foſtered by thoſe who call themſelves his friendly adherents.

10. Mr. Humphries after being convicted of an aſſault and battery on Benjamin Franklin Bache, the printer of the Aurora, merely from political motives, was before his ſentence was expired, promoted by Mr. Adams to a public office, viz. to carry diſpatches to France.

11th. Mr. Adams did project and put in execution embaſſies to Pruſſia, Ruſſia and the Sublime Porte.

12th. Mr. Adams in the caſe of Jonathan Robins, alias Nath, did interfere to influence the deciſion of a court of *juſtice*.

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9. William Duane of Philadelphia—indicted for aſſerting that Mr. Adams had aſſerted in writing, and that William Duane poſſeſſed the letter ſo aſſerting, that Britiſh influence had been uſed under the federal government with effect.

Indicted for aſſerting that the Britiſh Government was a corrupt one.

[N. B. Theſe two indictments have been withdrawn, but they ſhall be publiſhed.]

Indicted for publiſhing *Liston*'s letters found on Sweezy, in which it was declared that the American government was provoking France to a war.

Two or three other ſuits, which he does not know what they relate to.

The balance of this account is immenſely in favour of the United States, and the facts are ſeriouſly recommended to the commiſſioners under the Britiſh treaty.

ADAMS and PICKERING.

Our conſtitution, in the plenitude of its imperfections, gives the chief magiſtrate abſolute power in the diſmiſſal, and tantamount to that in the appointment of many of the firſt offices of government. In the exerciſe of this extreme injudicious diſpoſition of power, a great and virtuous preſident would be guided by the honor and intereſt of the nation and the voice of the people, in preference to his private intereſt and that of his family and partizans, or the more contemptible influence of perſonal partialities or perſonal reſentments: which part of Mr. Adams's adminiſtration has fallen under this deſcription of a *great* and *virtuous president*, I ſhall not undertake to point out; perhaps the taſk would be difficult.

In the diſmiſſal of Mr. Pickering, the preſident has exerciſed a power with which he is undoubtedly veſted by the conſtitution; but until he ſhall lay before the public an explanation of his motives, he will be ſubject to the ſuſpicion of having acted more from the impulſe of private hatred which has lately ſprung up between them, than from the dictates of national honor, or public juſtice, and for this reaſon—we have not immediately, nor for ſome months preceding the removal, heard of any new complaint againſt Mr. Pickering, for having committed any new outrage againſt the intereſt and dignity of the nation; we have not ſeen any new ſpecimens of his attachment to the Britiſh and wanton abuſe of the American character; we have heard of no recent inſolence to the moſt virtuous characters, and abuſe to whole counties of citizens;—yet all theſe things have been ſeen,

and ſuffered, and Mr. Adams has quietly permitted the offender to enjoy his confidence. To what then are we to attribute the preſent change, except to perſonal reſentment? No one of Mr. Adams' friends will allow that he has been frightened into this meaſure by the diſcontent which has long been ſpreading, and which is daily deepening, in the minds of the people, againſt his adminiſtration; nor will they ſuffer it to be aſſerted that he is ſo cowardly as now to remove a ſecretary of ſtate, for acts which were performed with his approbation.

"Nor, among thoſe who *vindicate* the removal of Timothy Pickering, is there any heſitation in aſſigning particular cauſes of miſconduct and offence, ſuch as,

1ſt. The withholding from Congreſs contrary to the expreſs order of the Preſident, Mr. Gerry's original correſpondence with government, reſpecting his miſſion to France, and ſending his own garbled intemperate, and diſtorted ſtatemen, and report, which brought Congreſs to the verge of a declaration of war; a proceeding the moſt impudent and contumacious that ever occurred under our government.

2d. Pickerings letter to Judge Bee, in the name of the Preſident, but without his privity or knowledge.

3dly. A ſuppreſſion of the Spaniſh miniſter's memorial, reſpecting Britiſh intrigues and hoſtility againſt Florida, until after three weeks delivery, it was diſcovered, by a direct application from the miniſter to the Preſident.

4. The violation of the law, in countenancing and authoriſing Dr. Stevens in league with Britiſh merchants in this city, to load the ſhip Kingſton, going out as a Cartel, with merchandize.

5. The ſuppreſſion of evidence concerning impreſſed American ſeamen, and contrary to his oath, conniving at their detention on board Britiſh ſhips in our own ports.

(Aurora.)

Very true; every article is abundantly ſufficient in itſelf to juſtify his removal; and we might extend the catalogue of his crimes almoſt to infinity: his inſolence to Doctor Logan on his return from his peace-making tour to France: his contumacious abuſe of the citizens of Prince Edward: his contempt of the American character, and of juſtice, in the caſe of capt. Giles, in which he inſults that injured ſeaman inſtead of obtaining redreſs, and juſtifies his being inhumanly flogged by a Britiſh captain, whoſe word of honor he prefers to the declaration upon oath of three citizens of the United States, are each ſufficient cauſe of condemnation but to allow that theſe acts form the grounds of his removal, is to grant that they are criminal, and to do that is to implicate the preſident in his guilt, for he ſuffered them to be committed with impunity. Every atrocity of which Mr. Pickering has been guilty reflects equal diſhonor upon Mr. Adams; and unleſs he can ſhew a plauſible reaſon for thus abruptly removing the man whom he has ſilently ſuffered to do ſo much miſchief, a heavier reflection ſtill muſt reſt upon him — that of having diſmiſſed an able ſecretary of State from motives of jealouſy and private reſentment.

AN ODE.

FROM A CORRESPONDENT.

The following Ode has been circulated in Ireland, ſince the ſubject of Union has been agitated.—This union-buſineſs is more likely to ſeparate the two countries, than any former cauſe of variance, ſo great is the wealth and number of the anti-union party.

AN ODE.

HARK! hear you not thoſe dreadful ſcreams?
And hear you not that infant cry?
'Tis ſure, ſome neighboring cot in flames,
Which with crimſon tints the ſky.

Oh God! an aged corps I ſee,
Naked, wounded, ſtained with gore,
Hanging on a blaſted tree,
Before the burning cottage door.

Have Erin's ſons fail'd in the field?
What foreign foe lays waſte the land!
Say, where was Britain's guardian ſhield,
When ERIN ſunk beneath their hand?

But ſee, untouch'd, yon palace ſtands,
While all around *the hamlets burn;*
And lo! thoſe military bands
Back to the flames their victims ſpurn.

Say, *why againſt the humble cot,*
Is all their reſtleſs fury bent?
Sure, nought that falls to peaſant's lot,
Can plunder's lawleſs ravage tempt!

No foreign foe lays waſte the land
And ERIN's ſons have fled no field;
Their blood is ſhed by Britain's hand,
Her's is a fell deſtroying ſhield.

Know that within the humble cot,
The ſacred ark of UNION ſtands;
And peaſants guard the hallow'd ſpot,
From hoſtile Britain's ruffian bands.

The abject ſons of wealth & pow'r,
Are to blood-thirſty Britain ſold;
And there in ERIN's trying hour,
Againſt their country are enroll'd.

Not unaveng'd will ERIN fall,
Nor e'en in ruin be alone;
Be Britain's will accompliſh'd all,
Erin's deſtruction ſeals her own.

Yet ERIN falls not; but her ſons,
In arms aſſert their rightful claims
With haſty pace, lo! vengeance comes.
Indignant ERIN breaks her chains.

SARSHFIELD.

The heart that the following Song will not melt into ſympathy, muſt be harder than adamant. It exhibits a picture too true, as every village in Ireland can bear teſtimony.

MARY LE MORE.

Tune—'Oh! the moment was ſad.'

Ah! ſoldiers of Britain your mercileſs doings,
Long, long muſt the children of Erin deplore;

All ſad is my ſoul, when I view the black ruins,
Where once ſtood the cabin of Mary Le More.
Her father (God reſt him!) loved Ireland moſt dearly,
All her wrongs, all her ſufferings he felt moſt ſeverely;
And with freedom's firm ſons he united ſincerely,
But—gone is the father of Mary Le More.

One cold winter's night, as poor Dermot ſat muſing,
Hoarſe curſes alarmed him, and craſh went the door;
The fierce ſoldier entered & ſtraight 'gan abuſing,
The brave, yet mild father of Mary Le more.
To their ſcoffs he reply'd not—with blows they aſſailed him,
He felt all indignant—his caution now fail'd him;
He return'd their vile blows and all Munſter bewail'dhim;
For—ſtabb'd was the father of Mary Le More.

The children's wild ſcreams and the mother's diſtraction,
(While the father, the huſband, lay ſtretch'd in his gore;)
Ah! who can relate, and not curſe the foul faction,
That blaſted that roſe-bud ſweet Mary Le More?
"O my father! my father!" ſhe cry'd, wildly throwing,
Her arms round his neck, while his life's blood was flowing;
She kiſs'd his cold lips—but poor Dermot was going:
He groan'd—and left fatherleſs Mary Le More.

With deſtruction uncloy'd, this infernal banditti,
(Tho' the rain fell in ſheets, and the wind it blew ſore)
Theſe fiends of the caſtle, theſe foes to all pity,
Sat fire to the cabin of Mary Le More.
The mother and children, half naked and ſhr eking,
Eſcap'd from the flames where poor Dermot lay reeking;
And, while the ſad victims for ſhelter were ſeeking,
Ah! mark what befel the poor Mary Le More.

From her father's pale cheek which her lap had ſupported,
To an out-houſe theſe ruffians the lovely girl bore;
With her tears, her entreaties, her ſorrows, they ſported,
And by force they deflow'r'd poor Mary Le More.
And now, a poor maniac, ſhe roams the wide common;
'Gainſt the ſoldiers of Britain ſhe warns every woman;
And ſhe ſings of her father in ſtrains more than human,
Till tears often fall for poor Mary Le More.

O daughters of Ireland! your country's ſalvation!
While the waves of old ocean ſhall beat round your ſhore,
Remember the wrongs of your long ſhackled nation—
Remember the woes of poor Mary Le More:
And while your hearts ſwell—Oh! with ſpirits all fire,
Your lovers, your brothers, your huſbands inſpire!
Their UNION ſhall make all oppreſſors retire
From the ſoil where now wanders poor Mary Le More.

EXTRACT OF A LETTER FROM

JOHN FOWLER,

Member of Congress from the state of Kentucky,

TO HIS CONSTITUENTS.

FELLOW CITIZENS,

I HAD prepared a circular ſome weeks ſince, wherein I had detailed the moſt important meaſures which had taken place in reſpect to both our foreign and domeſtic relations; and after commenting at large on the ſeveral heads, I had endeavoured to ſuggeſt ſuch ſteps as in my opinion would correct the numerous evils with which I tho't I ſaw our country ſurrounded.—But before I could get my letter ſufficiently multiplied by either tranſcribing or printing; ſudden and ſtrong indications of an immediate change attracted my attention, and I ſuſpended for ſome time, the correſpondence I had contemplated with you, under an impreſſion that the detail of the novel tranſactions would fully compenſate for the delay. Many of the ideas which I had dwelt upon, have become of leſs importance, in conſequence of the variation in our ſituation. The gloom with which my mind was ſhrouded, is removed, and a bright and happy day riſes glorious to our view.

I ſaw with great regret, but ſtill greater apprehenſion, the daring attempt of a deſigning adminiſtration, to delude the public mind.—I ſaw its effect, as general as it was ſudden, the baſe intrigues of unauthorized agents, with our miniſters in Paris, was the port-fire, which kindled a blaze of indignation againſt France, over the whole face of the nation. Yet I confided in the good ſenſe of my fellow-citizens, I knew them virtuous, and truſted to their deliberation; nor have I been diſappointed. The reaction, the return of the people to the dictates of juſt policy, has been almoſt as ſudden and I doubt not as general as was their aberration under miniſterial deluſion. The election of a republican governor to the chair of Pennſylvania, was the firſt intimation that the citizens of America ſtill cherished the hope of preſerving peace with France; yet notwithſtanding this, the war party in congreſs, labored inceſſantly, in conjunction with the executive adminiſtration, to force us upon the dreadful conflict. Our ſtate and Virginia remained firm; S. Carolina and the other ſouthern ſtates have joined us: and the acceſſion of Pennſylvania would have given us a preponderance at the next election, had not a majority of ſix men, elected in the time of the deluſion to the ſtate ſenate, refuſed to concur in paſſing a law to preſcribe the mode of electing the preſident and vice-preſident of the United States. The election of New-York has now completely turned the beam: the conteſt is over if there be no remiſſneſs on our part. When I ſay on our part, I do not allude to the exertions of our ſtate—there has been nothing wanting in Kentucky; but I aſk for the exertions of all true repub-

ficans thro'out the United States; if they come out on the day of the election, the victory is ours.

This auſpicious event, diſmayed the anti-republican party; their councils appeared diſtracted in congreſs; they rejected meaſures to day, and adopted them to-morrow. In the height of this confuſion diſpatches arrive from France, with advice that our miniſters are negociating, and the higheſt probability, that our differences with the republic will be adjuſted, on terms both honorable and advantageous to the United States. The ſecretary of war, doctor James M'Henry reſigns, on an intimation from the preſident that his reſignation was expected. The additional army is moved to be immediately diſbanded, by the Republican minority in the houſe; the motion is rejected, but it is agreed that the Preſident ſhould have the power to diſband it, at any time when he may deem it juſtified by the proſpect of an accommodation with the French, allowing it one months extra pay. This is conſidered a mark of confidence in the executive. The Bill is tranſmitted to the Senate; a body, that ſeldom denies its confidence, to that branch of the government, where an amendment is moved to limit the exiſtence of the army to a day certain, to wit, the fifteenth of June next; this motion is carried; as is another, for allowing the army three months extra pay; I apprehend we ſhall rather loſe than gain by the alteration; it cannot therefore be accounted for on the idea of a ſaving to the public, but I think it goes to ſhew that ſome members of the ſenate, meant to notify Mr. Adams that they were about to abandon him; or that they diſliked ſome recent meaſure. Mr. Timothy Pickering ſecretary of ſtate, is told that his reſignation is expected, he braves the ſtorm, and refuſes to reſign, and hereupon the Preſident removes him from office. Mr. John Marſhall of Virginia, a member of the houſe of repreſentatives, is firſt appointed to be ſecretary of war, in the room of Mr. M'Henry; and is afterwards appointed ſecretary of ſtate in the place of Mr. Pickering; Mr. Dexter a Senator of the United States, is nominated to the ſenate of the United States for their advice and conſent, to appoint him ſecretary of War; and he is now appointed. The laſt days of the ſeſſion, the faction was broken up: the members voted variouſly on every queſtion, they had no command of themſelves, they reſembled a veſſel on a political ſea, that had been deſtroyed by a ſtorm.

I believe this party, ſo hoſtile to the beſt intereſt of our country, will no longer be able under the ſuggeſtions contained in preſidential ſpeeches, to eſtabliſh permanent navies, or ſtanding armies, to form foreign monarchic connexions, or diſſolve alliances between republics; to ſquander the people's money in ridiculous extravagances, or to borrow on uſurous loans unneceſſary millions. I truſt we ſhall never be again curſed with alien or ſedition laws; this happy change cannot but be a ſubject of congratulation; and we rejoice the more, from ſeeing how imminent were the dangers which ſurrounded us. You will recollect, my fellow-citizens, that moſt of the members of the preſent congreſs were elected under the miniſterial deluſion of the X. Y. Z; and at the commencement of the ſeſſion, there was found a majority in favor of the hoſtile meaſures which the laſt congreſs had purſued; propoſitions for extending the executive patronage

ſtill further were early brought forward; meaſures to conſolidate the union, were ſtrenuouſly advocated; war meaſures to exaſperate yet more the nation with whom it was pretended to treat, were adopted; and to ſhew the length to which the party were diſpoſed to go, an attempt was made to introduce a regulation paramount to the conſtitution; to create a conſervative ſenate, or electoral college of 13 members; ſix from each houſe, and the chief juſtice to preſide; who were to be authoriſed to inveſtigate the election of the ſeveral ſtates, for Preſident and Vice-Preſident; and to determine in a ſecret conclave, the legality of the votes, and finally to declare, who ſhall be the next Preſident of the United States. This meaſure ſo repugnant to every principle of the conſtitution, was fortunaiely defeated by that happy combination of circumſtances which I have mentioned in the firſt page of my letter.

With reſpect to the bankrupt law, and ſome other matters, I will here introduce extracts from the Circular I had formerly prepared, I therein ſaid,

"The bankrupt law which was carried by the caſting vote of the ſpeaker, I ſuſpect will be little more than a machine for extending the influence of the executive adminiſtration: I doubt whether it will afford individuals all the advantages which might be expected from a juſt and beneficent legiſlature. It certainly may be made an inſtrument to injure the incautious agriculturiſts—I gave it my negative.

'The proviſional army, as I foreſaw, when I wrote my circular at the laſt ſeſſion, turns out to be an army of officers, beaumen and ſervants; the officers were appointed, from the commander in chief to the loweſt grade, and conſiſt, altogether of 1413

The non commiſſioned officers ſhould be 1972

The total of officers in the army of the United States would then be 3385

The return made on the 2d January, gave the total inliſted for the additional army 3399

From this calculation may be deducted the officers of the four regiments on the former military eſtabliſhment, but at the ſame time there ſhould be added for the hoſpital, ordnance, cloathing, and quarter-maſters department, a number not much inferior. An army ſo conſtituted muſt be altogether uſeleſs for military purpoſes—its only effects are to drain the people of four million of dollars for their ſupport, to corrupt and debauch the morals of our citizens and to influence elections; under theſe impreſſions, the republicans urged the diſbandment; they failed, but they ſtopped the recruiting.

The navy conſiſted of 40 or 50 veſſels, my fellow-citizens, ſeems to require 4,000,000 and upwards of dollars; this is a waſte of the people's money, it is collected off the people generally, and paid to thoſe whom the Preſident may appoint to receive it; the pretext is, that it is neceſſary to protect the property of the ſhip-owners, while employed in earning freight, by carrying cargoes from port to port; in my opinion it is impolitic to pay more for navigation than what it is worth; and what the navigation of American produce is worth, is calculated by ſome of our political arithmeticians in this way, "the produce of the United States ex-

ported in the last year was worth the sum of 33,142,526 dollars: when the price of our wheat, flour, tobacco, and rice is considered, it is unwarrantable to suppose the mere carrier ought to have above 5 per cent for his labour in conveying it to market; 5 per cent they say, is a liberal allowance, and would amount to 1,657,260 dollars." If this calculation be near the truth, what, my fellow citizens, can be said of the policy of those who pay four millions of dollars to protect a branch of trade which produces only one million and a half, or two millions. Is it folly, or is it something worse? In this statement, it will be seen that they do not calculate upon the articles of foreign growth, brought from the West-Indies, &c. and then re-shipped for Europe; they say "we have nothing to do with the protection of foreign property, it is enough to protect the transportation of our own; if foreign property whilst sailing from the West-Indies to Europe requires protection, let the nation to which it belongs afford it that protection." I do not pledge myself for the justness of this calculation, but it appears to me more plausible than any thing that I have heard on the other side of the question.

For the diplomatic department, near 130,000 dollars are required. When General Washington wrote his Valedictory, we had ministers at Paris, Hague, London, Madrid, and Lisbon, and he lamented that we had so many, and cautioned the future government against an increase—his language was as follows—"The first rule of conduct for us in regard to foreign nations, in extending our commercial relations is, to have as little *political* connection as possible; so far as we have formed engagements let them be fulfilled with perfect good faith: *here let us stop.* Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.—Hence therefore it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or in the ordinary combinations and collisions of her friendships or enmities."—

Again: 'why forego the advantage of so peculiar a situation?—why quit our own stand upon foreign ground?—why by weaving the destiny with any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour, or caprice. 'Tis our true policy to steer clear of all permanent alliances with any portion of the foreign world: so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. But in my opinion it would be unwise to extend them.' How has his successor regarded this wise and prudent council? Why by projecting embassies to the most despotic powers in Europe with whom we can never have any or but little commercial intercourse: of these the Russian and Turkish appear to be laid aside, but the Prussian still continues—it is filled by the Son of the president.

The expences of the government are enormous, they have encreased since the commencement of the present system to an annual sum of more than fifteen million of dollars; was this event expected by the people when they adopted the federal constitution; it was then estimated by

the old congreſs that four millions of annual revenue would be adequate to the ſupport of the Federal Government, the payment of the intereſt on the public debt, and the gradual extinguiſhment of the principal; to what are we to impute this enormous burthen, but to the Executive adminiſtration which has generally recommended extravagant eſtabliſhments, and a fatal reliance placed on them by Confiding Congreſſes? How is the evil to be remedied?——By purifying both branches of the legiſlature at the next election, of thoſe members, who from weakneſs or deſign, have been induced to countenance the high handed and expenſive meaſuree heretofore adopted; and electing in their ſtead determined Economiſts, friends to the people, not office, or contract ſeekers, but domeſticated contented agriculturiſts;

I did expect, my fellow citizens, that the executive adminiſtration after the loan of laſt year, would have been deterred from having any further recourſe to this mode of raiſing money, the experiment, did not ſucceed without being bolſtered up with additional props: the principal ſum ſubſcribed on that occaſion ſunk four or five per cent in the hands of the ſubſcribers, even on the payment of the firſt inſtalment; it was raiſed to par, on changing ſcrip to funded ſtock, and in conſequence of a ſcarcity of good bills upon Europe in the market about the ſame time; the latter circumſtance was occaſioned by numerous failures in Hamburg, Bremen, London, and Liverpool; the merchant who had money to remit to London or Hamburg, preferred to remit the eight per cent ſtock rather than a bill, the fate of which was uncertain; perhaps it is from this circumſtance that adminiſtration is encouraged to venture again.—It is propoſed to borrow money, and borrowing is preferred to retrenchment. Three millions and a half at eight and a half per cent, for it is folly to expect it for leſs than we gave laſt year, and the five millions eight per cent loan, have occaſioned a call upon the people for another annual 900,000 dollars; in 26 years theſe annual 900,000 dollars are expected to pay off the intereſt and principal of theſe two 8 per cent loans, which will then juſt have coſt the people of the United States the monſtrous ſum of twenty-three million four hundred thouſand dollars. I ſuppoſe my fellow-citizens, money is not to be had on better terms by the federal government, although individuals in this city do actually borrow at the rate of ſix per cent, nay, if more is demanded and paid, it is uſury in the lender, and the law puniſhes it as an heinous offence againſt moral rectitude. Our confiding congreſſes have given a confidence on this head, that would aſtoniſh even the deſpot of Britain if his corrupt parliament had given him and his miniſters a ſimilar confidence. The congreſs laws authoriſing theſe eight per cent loans, veſts a abſolute power in the preſident of borrowing the money on ſuch terms as appear to him moſt advantageous for the United States, and the ſame law makes proviſion to comply with ſuch terms, be them what they may. The parliament of Britain when applied to by the crown for a loan, paſs what is termed a vote of credit, upon which the miniſter makes terms with the lenders, and then lays them before the houſe of commons, when if they are approved, the houſe goes on to give the meaſure legal form and body. On the ſubject of loan,

the confiding congreſs has had ſome ſingular ideas, the borrowing money in the ſhape of ſhips, is one of theſe; and we are not to wonder if the merchants who have been active to loan their veſſels to the government, have vamped up old ſhips at a monſtrous expence, ſome of which are already found to be unfit for ſervice.

The operation of the ſedition law has been, and it was predicted, an engine in the hand of the Executive adminiſtration to oppreſs the printers of patriotic newſpapers.—This law has been employed againſt almoſt every Republican preſs north of Potowmack, and the proceedings under it diſplayed ſo much malignancy that it will ſhortly be execrated throughout the Union, as much as it is diſapproved of in our ſtate, and in Virginia, under the terror of this law, the preſſes have been reſtrained in a conſiderable degree, and the conduct of the public ſervants, has been ſcreened from that public inveſtigation, without which it is impoſſible that we my fellow citizens can exerciſe our high privilege of voting at an election to congreſs or to the preſidency. But while the executive adminiſtration and its friends puniſh others for ſcrutinizing on their political conduct; the abject and venal preſſes which do the printing in ſeveral ſtates for the executive adminiſtration are protected, in abuſing and vilifying in the moſt groſs and illiberal manner the Vice-Preſident and the minorities in both houſes of congreſs, the republican governors of ſtates, and the Republican members of the ſtate legiſlatures, nay the republican legiſlatures themſelves. I ſay that printers of the latter claſs are protected and the others puniſhed, becauſe a motion was rejected in the Senate, which went to order Fenno, the printer of the United States Gazette, and who does almoſt all the printing for the Senate, to appear at the bar of that houſe, to anſwer for the publication of a falſe, ſcandalous and malicious libel upon the ſame; when they agreed to order Mr. Duane of the Aurora to appear before them, for having publiſhed a bill as paſſed in the Senate, which was only on its paſſage there, and that a member of a committee did not attend in that committee when in fact he did attend. The ſedition law is not equal in its operation but oppreſſive to one party only, of courſe it ought to be repealed, the attempt was made in congreſs this ſeſſion, but failed. It expires by its own limitation after the next Preſident of the United States ſhall have been choſen and declared. It is hoped and believed that it will never be revived, if a Republican Preſident, a Republican Houſe of Repreſentatives, and a Republican Senate ſhall be the choice of the people at the next election.

ANECDOTE.

A bluſtering ſtanding-army officer lately aſſerted, within the hearing of his Landlord (to whom he had juſt given the *put-off* for his weekly bill) that men of his cloth were the "*Pillars* of the Nation." "Yes," anſwered old Drawcork, "the *Caterpillars*."

Aurora.

DINWIDDIE RESOLUTIONS.

At a meeting of a number of the Freeholders of the county of Dinwiddie, on the 3d Monday in November, 1798, assembled in pursuance of a previous notice, for the purpose of expressing their opinions on the administration of the affairs of the United States.

BULLER CLAIBORNE, Chairman.
GEORGE PEGRAM, Secretary.

1. RESOLVED, As the opinion of this meeting, that a militia compoſed of the body of the people, is the proper, natural and ſafe defence of a free ſtate, and that regular armies except in caſe of an invaſion, or a certain proſpect of an invaſion, are not only highly detrimental to the public welfare, but dangerous to liberty:

Detrimental to the public welfare, becauſe induſtrious men are heavily taxed to ſupport thoſe who do nothing; becauſe indolence among the poor is publicly encouraged; the army being an aſſylum for all who do not chooſe to labor: becauſe the young men who form the maſs of an army, inſtead of being a drawback on the productive labor of the community, might be more beneficially employed in ſupporting by their induſtry themſelves and their families, and paying their proportions of the public debt: becauſe the ſame object, immediate defence againſt a ſudden invaſion, might be attained infinitely cheaper, by putting arms into the hands of every man capable of bearing them: and becauſe, the ſpirit which leads to war, the curſe and the diſgrace of humanity, is greatly augmented by ſtanding armies, to whoſe leaders it opens a proſpect of greater wealth, and higher military honors: and

Dangerous to liberty; becauſe when numerous, they have tyrannized, as the experience of all ages has proved, both over the people and the government, and when limited, have always been ſubſervient to the views of the executive department, from which they derive their honors and emoluments: becauſe theſe honors and emoluments furniſh an ample fund, by means of which the executive is enabled to reward its partiſans and increaſe the number of its adherents: becauſe a people accuſtomed to look for protection from external violence, to a ſtanding army, become abject, debaſed and gradually enſlaved; but knowing themſelves to be the only defenders of their country, ſoon acquire that diſcipline and courage, which inſure ſafety not only from foreign enemies, but domeſtic tyrants; and becauſe, military eſtabliſhments are in their nature progreſſive, the vaſt expenſe attending them, producing diſcontent and diſturbances, and theſe furniſhing a pretext for providing a force ſtill more formidable; thus finally occaſioning the oppreſſion, the ruin, the *ſlavery* of the people.

2. Reſolved as the opinion of

this meeting, that the plan of eſtabliſhing a great naval armament is impolitic and pernicious; becauſe it enlarges ſtill more the fund for increaſing executive influence: becauſe the expence is incalculable, and in fact cannot be ſupported by legitimate taxation: becauſe this country cannot hope to protect its commerce by a fleet as no other country has ever done ſo, or to guard from invaſion a coaſt fifteen hundred miles in extent; becauſe it will teach the people to look for protection, not in themſelves, their patriotiſm, their union, and their courage; but in a ſyſtem in which they will not find it; becauſe if the people of the United States, following the councils of their late preſident, avoid all political connections, with European powers, they may reaſonably expect to be ſeldom involved in the calamities of war, and having, fortunately, no iſlands in the Weſt-Indies, or Mediterranean, to defend, or conqueſts in the eaſt to maintain, their ſhips muſt periſh in the intervals of peace, to be preſerved at an expence no leſs monſtrous than unneceſſary: and becauſe experience has proved that even in a country whoſe exiſtence is admitted now to depend on a fleet, ſeamen cannot be obtained, but by impreſſments, incompatible with law, liberty and humanity.

When therefore the navy of the United States is competent to the protection, not of our extenſive coaſt, nor of our commerce throughout the world, but of our ſea ports and coaſting trade, from privateering and piratical depredations, it has attained the point, beyond which it ought not to go: beyond which benefit is partial, trifling, and precarious, and expenſe inſupportable.

3. Reſolved alſo, As the opinion of this meeting, that the government of the United States ought not to form an alliance with any nation on earth; that the people of America are competent to their own defence; that they are decidedly oppoſed to the plan of being drawn into the "foul abominations" of European politics, by any alliance with any government whatever, conſcious that they muſt pay full value for what they receive, beſides being entangled in ruinous connections.

They reprobate therefore the practice of maintaining miniſters reſident in foreign countries, in the extent to which it is carried by the executive of the United States; becauſe it adds ſtill more to the already enormous maſs of preſidential patronage; becauſe every important political view might be accompliſhed by a ſingle miniſter advantageouſly ſtationed, and every valuable commercial purpoſe might be effected under the ordinary conſular eſtabliſhments; and becauſe at a time like this, when money is borrowed to ſupply the deficiency of the taxes, every expenſe not abſolutely neceſſary ought to be avoided.

Under theſe impreſſions, they condemn the miſſion of William Smith to Liſbon, and of John Quincy Adams to Berlin: becauſe there is but little commerce with Portugal and none with Pruſſia. In both caſes therefore, and eſpecially the latter, unleſs ſome political connection between the two countries is contemplated, an event ſurely not to be apprehended, the office is a ſinecure and the ſalary thrown away.

4. Reſolved alſo, as the opinion of this meeting, that the only proper way to raiſe money for national purpoſes, is by taxes, duties, exciſes and impoſts, and that the power of

borrowing money, ought not to be exercised except in cases of absolute necessity: that if money be really wanted, the people ought to be taxed to pay it; if not wanted, it ought not to be raised; that if the public exigencies are supplied in the way first mentioned, œconomy must be observed: the people feeling immediately the effect of every public measure, would be that no unnecessary expense was incurred, and the money raised was duly expended; that the latter plan increases executive influence, augments the public debt, without the direct knowledge of the people; creates a paper monied interest, always adverse to the general welfare, and thrown on posterity a burthen, which must either ruin them by its weight, or be shaken off in the struggles of a revolution.

5. Resolved also, as the opinion of this meeting, that the Alien Bill passed at the last session of congress, is unnecessary, repugnant to humanity, and contrary to the constitution: the first because its warmest advocates though called on, could mention neither persons nor facts to justify it: the second, because it subjects the natives of foreign countries, who have sought here an asylum from persecution, to the despotism of a single individual; and the last, because the punishment of exile is inflicted without a public accusation of the party in the presence of the witnesses, and a trial by jury, which the constitution of the United States solemnly guarantees to every member of the community.

6. Resolved also, as the opinion of this meeting, that the freedom of the press is the great bulwark of liberty, and can never be restrained but by a despotic government.

The people here present, solemnly impressed with this momentous truth, regard with astonishment, regret and indignation, the act of congress passed at the last session, commonly called the Sedition Bill. They denounce it to their fellow-citizens, as a daring and unconstitutional violation of a sacred and essential right, without which, liberty, political science, and national prosperity are at an end.

At a crisis like this, it becomes the real friends of order, of liberty and of equal government, to come forward with an unequivocal declaration of their sentiments and wishes. The people of Dinwiddie therefore now assembled, solemnly aver that their minds are impressed with affection and good will towards their fellow citizens from Georgia to New-Hampshire, and that they have no doubt either as to the importance or necessity of union between the states.

They declare that they are exclusively attached to their own country; that they abhor the idea of foreign influence, and that they will be at all times ready to support their government, and to unite with their fellow citizens in repelling it, whether sought to be established by force or by intrigue.

They reprobate the practice, of which the example has been given by the executive department, of using intemperate and abusive expressions towards the French republic. The language of reproach, will not afford relief to America, nor compel France from terror, to adopt a system of moderation, justice, and good faith. It can only tend to irritate a nation always proud of its strength and its resources, and now still more proud of its victories and success.

But as those who have exercised here the privilege of freemen, in

condemning the measures of their own government, have been ſtigmatiſed, as the enemies of the United States, and the partiſans of France, the freeholders of Dinwiddie, though they reprobate the fatal ſteps which led to the preſent criſis, are unanimous in ſaying, that they will be among the firſt to reſiſt the invaders of their country, and that they conſider the refuſal of the French Directory to receive our late envoys, as a violation of the law of nations, and the rights of humanity.

They confidently aver that they deſpiſe and hate ſedition, riot, and inſurrection, and condemn calumnies againſt individuals or the government, as much as thoſe who paſſed the law to puniſh the offences; deriving their ſubſiſtence from their lands and their happineſs from their families, they knew full well the importance of order, and the bleſſings of tranquility; but valuing life, only as it is connected with law and liberty, they think it a duty which they owe to themſelves, to protect their rights from violation, and to tranſmit them unimpaired to their children: and this duty, nothing but diſpair, ſhall deter them from performing.

They condemn therefore, after the moſt mature deliberation, ſo much of the law laſt mentioned as relates to libels.

1ſt. Becauſe congreſs poſſeſſes no power, but what is expreſsly given, or is neceſſary to carry a given power into effect, and the power of puniſhing libels is not expreſsly given nor neceſſary to carry a given power into effect.

2dly. Becauſe the conſtitution of the United States expreſsly declares that congreſs ſhall make no law abridging the freedom of ſpeech or of the preſs.

And 3dly. Becauſe it is a direct and palpable violation of every principle of republicaniſm, policy, and common ſenſe; that the Repreſentatives, the Senators, and Preſident, who, whatever they may think to the contrary, are the truſtees and ſervants of the people, and reſponſible to them for their miſconduct, ſhould paſs a law to protect themſelves from cenſure and their conduct from enquiry.

The freeholders of Dinwiddie, viewing this meaſure of the government as a blow which ſtrikes at the vitals of the conſtitution, and the liberty of the people, cannot remain calm ſpectators of the event. They ſolemnly, in the ſacred names of liberty, and domeſtic peace, adjure the congreſs of the United States, to repeal this law: they moſt ſeriouſly declare, that the public tranquility has been greatly diſturbed, and the public happineſs greatly impaired, by the invaſion of a right, which the ſtate convention of 1776, the convention of 1788, and the congreſs of 1789 have concurred in aſſuring them, ought to be held in the higheſt eſtimation: and they do not heſitate to ſay, that unleſs a change takes place, the peace and welfare of the union are endangered, merely to preſerve a law, which forty of the repreſentatives of the people have oppoſed as unconſtitutional, and which the warmeſt friends of the adminiſtration, concede to be not only unneceſſary but pernicious.

If this appeal to the integrity and patriotiſm of congreſs, though heard, ſhall be diſregarded, the people of Dinwiddie, look up at this awful moment with no leſs confidence than pleaſure, to the general aſſembly of Virginia, the members of which have always proved themſelves the faithful ſervants of their

conſtituents, and the decided friends of liberty and the conſtitution.—They are now ſolemnly required to protect, as they are bound to do, the rights of their fellow-citizens, and the people here preſent, with one voice pledge themſelves to ſupport ſuch meaſures as their greater experience and better judgment ſhall direct.

The freedom of the preſs, it would be cowardice, it would be ſacrilege to ſurrender.

7. Reſolved alſo, as the opinion of this meeting, that there is one, and only one way to prevent unconſtitutional laws, and the perpetuation of the preſent ſyſtem of debts, taxes ſtanding armies, naval armaments, foreign intercourſe, and executive influence, and that is, by an annual election of repreſentatives and ſenators.

The foregoing reſolutions were unanimouſly agreed to, this 19th day of November, 1798.

BULLER CLAIBORNE, Chm.
GEORGE PEGRAM, Sec.

LAW OF THE UNITED STATES.

SIXTH CONGRESS OF THE UNITED STATES.

At the first session, begun and held at the City of Philadelphia, in the state of Pensylvania, on Monday the second of December, one thousand seven hundred and ninety-nine.

AN LAW TO ESTABLISH AN UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the firſt day of June next, if any merchant or other perſon, reſiding within the United States, actually uſing the trade of merchandize, by buying and ſelling in groſs or by retail, or dealing in exchange or as a banker, broker, factor, underwriter, or *marine* inſurer, ſhall, with intent unlawfully to delay or defraud his or her creditors, depart from the ſtate in which ſuch perſon uſually reſides, or remain abſent therefrom, or conceal him or herſelf therein, or keep his or her houſe, ſo that he or ſhe cannot be taken or ſerved with proceſs, or willingly or fraudulently procure him or herſelf to be arreſted, or his or her lands, goods, money or chattels to be attached, ſequeſtered or taken in execution, or ſhall ſecretly convey his or her goods out of his or her houſe, or conceal them to prevent their being taken in execution, or make or cauſe to be made, any fraudulent conveyance of his or her lands or chattels, or make or admit any falſe or fraudulent ſecurity or evidence of debt, or being arreſted for debt, or having ſurrendered him or herſelf in diſcharge of bail, ſhall remain in priſon two

months or more, or eſcape therefrom, or whoſe lands or effects being attached by proceſs iſſuing out of, or returnable to any court of common law, ſhall not, within two months after written notice thereof, enter ſpecial bail and diſſolve the ſame, or in diſtricts in which attachments are not diſſolved by the entry of ſpecial bail, being arreſted for debt after his or her lands and effects, or any part thereof, have been attached for a debt or debts amounting to one thouſand dollars or upwards, ſhall not, upon notice of ſuch attachment, give ſufficient ſecurity for the payment of what may be recovered in the ſuit in which he or ſhe ſhall be arreſted, at or before the return day of the ſame, to be approved by the judge of the diſtrict, or ſome judge of the court out of which the proceſs iſſued upon which he is arreſted, or to which the ſame ſhall be returnable, every ſuch perſon ſhall be deemed and adjudged a bankrupt: Provided, That no perſon ſhall be liable to a commiſſion of bankruptcy, if the petition be not preferred in manner hereinafter directed, within ſix months after the act of bankruptcy committed.

Sec. 2. *And be it further enacted*, That the judge of the diſtrict court of the United States, for the diſtrict where the debtor reſides, or uſually reſided at the time of committing the act of bankruptcy, upon petition, in writing, againſt ſuch perſon or perſons being bankrupt, to him to be exhibited by any one creditor, or by a greater number, being partners, whoſe ſingle debt amount to one thouſand dollars, or by two creditors whoſe debts ſhall amount to one thouſand five hundred dollars, or by more than two creditors whoſe debts ſhall amount to two thouſand dollars, ſhall have power, by commiſſion under his hand and ſeal, to appoint ſuch good and ſubſtantial perſons, being citizens of the United States, and reſident in ſuch diſtrict, as ſuch judge ſhall deem proper, not exceeding three, to be commiſſioners of the ſaid bankrupt, and in caſe of vacancy or refuſal to act, to appoint others, from time to time, as occaſion may require; *Provided always*, That before any commiſſion ſhall iſſue, the creditor or creditors petitioning ſhall make affidavit or ſolemn affirmation before the ſaid judge, of the truth of his, her or their debts, and give bond, to be taken by the ſaid judge, in the name and for the benefit of the ſaid party, ſo charged as a bankrupt, and in ſuch penalty, and with ſuch ſurety as he ſhall require, to be conditioned for the proving of his, her or their debts, as well before the commiſſioners, as upon a trial at law, in caſe the due iſſuing forth of the ſaid commiſſion ſhall be conteſted, and alſo for proving the party a bankrupt, and to proceed on ſuch commiſſion, in the manner herein preſcribed. And if ſuch debt ſhall not be really due, or after ſuch commiſſion taken out, it cannot be proved that the party was a bankrupt, then the ſaid judge ſhall, upon the petition of the party aggrieved, in caſe there be occaſion, deliver ſuch bond to the ſaid party, who may ſue thereon and recover ſuch damages, under the penalty of the ſame, as, upon trial at law, he ſhall make appear he has ſuſtained, by reaſon of any breach of the condition thereof.

Sec. 3. *And be it further enacted*, That before the commiſſioners ſhall be capable of acting, they ſhall reſpectively, take and ſubſcribe the following oath or affirmation, which ſhall be adminiſtered by the judge iſſuing the commiſſion, or by any

of the judges of the ſupreme court of the United States, or any judge, juſtice, or chancellor of any ſtate court, and filed in the office of the clerk of the diſtrict court: "I A. B. do ſwear or affirm, that I will faithfully, impartially, and honeſtly, according to the beſt of my ſkill and knowledge, execute the ſeveral powers and truſt repoſed in me, as a commiſſioner in a commiſſion of bankruptcy againſt and that without favor or affection, prejudice or malice."—And the commiſſioners who ſhall be ſworn as aforeſaid, ſhall proceed as ſoon as may be, to execute the ſame, and upon due examination, and ſufficient cauſe appearing againſt the party charged, ſhall and may declare him or her to be bankrupt: *Provided*, That before ſuch examination be had, reaſonable notice thereof, in writing, ſhall be delivered to the perſon charged as a bankrupt, or if he or ſhe be not found at his or her uſual place of abode, to ſome perſon of the family above the age of twelve years, or if no ſuch perſon appear, ſhall be fixed at the front or other public door of the houſe, in which he or ſhe uſually reſides, and thereupon it ſhall be in the power of ſuch perſon ſo charged as aforeſaid, to demand, before or at the time appointed for ſuch examination, that a jury be impannelled to enquire into the fact or facts alledged as the cauſes for iſſuing the commiſſion, and on ſuch demand being made, the enquiſy ſhall be had before the judge granting the commiſſion, at ſuch time as he may direct, and in that caſe, ſuch perſon ſhall not be declared bankrupt, unleſs by the verdict of the jury, he or ſhe ſhall be found to be within the deſcription of this act, and ſhall be convicted of ſome one of the acts deſcribed in the firſt ſection of this act: *Provided alſo*, That any commiſſion which ſhall be taken out as aforeſaid, and which ſhall not be proceeded in as aforeſaid, within . days thereafter, may be ſuperceded by the ſaid judge, who ſhall have granted the ſame, upon the application of the party thereby charged as a bankrupt, or of any creditor of ſuch perſon, unleſs the delay ſhall have been unavoidable, or upon a juſt occaſion.

Sec. 4. *And be it further enacted*, That the commiſſioners ſo to be appointed, ſhall have power, forthwith, after they have declared ſuch perſon a bankrupt, to cauſe to be apprehended, by warrant under their hands and ſeals the body of ſuch bankrupt whereſoever he be found, within the United States; *Provided*, they ſhall think, that there is reaſon to apprehend that the ſaid bankrupt intends to abſcond or conceal him or herſelf, and in caſe it be neceſſary, in order to take the body of the ſaid bankrupt, ſhall have power to cauſe the doors of the dwelling houſe of ſaid bankrupt to be broken, or the doors of any other houſe in which he or ſhe ſhall be found.

Sec. 5. *And be it further enacted*, That it ſhall be the duty of the commiſſioners ſo to be appointed, forthwith, after they have declared ſuch perſon a bankrupt, and they ſhall have power, to take into their poſſeſſion, all the eſtate, real and perſonal, of every nature and deſcription to which the ſaid bankrupt may be entitled, either in law or equity, in any manner whatſoever, and cauſe the ſame to be inventoried and appraiſed to the beſt value, (his or her neceſſary wearing apparel, of the wife and children, and neceſſary beds and bedding of ſuch bankrupt only excepted) and alſo

to take into poſſeſſion, and ſecure, all deeds and books of account, papers and writings belonging to ſuch bankrupt; and ſhall cauſe the ſame to be ſafely kept, until aſſignees ſhall be choſen or appointed, in manner herein after provided.

Sec. 6. *And be it further enacted*, That the ſaid commiſſioners ſhall forthwith, after they have declared ſuch perſon a bankrupt, cauſe due and ſufficient public notice thereof to be given, and in ſuch notice ſhall appoint ſome convenient time and place for the creditors to meet, in order to chooſe an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects;—at which meeting the ſaid commiſſioners ſhall admit the creditors of ſuch bankrupt to prove their debts;—and where any creditor ſhall reſide at a diſtance from the place of ſuch meeting, ſhall allow the debt of ſuch creditor to be proved by oath or affirmation, made before ſome competent authority, and duly certified, and ſhall permit any perſon duly authoriſed by letter of attorney from ſuch creditor, due proof of the execution of ſuch letter of attorney being firſt made, to vote in the choice of an aſſignee or aſſignees of ſuch bankrupt's eſtate and effects, in the place and ſtead of ſuch creditor: and the ſaid commiſſioners ſhall aſſign, transfer or deliver over, all and ſingular the ſaid bankrupt's eſtate and effects, aforeſaid, with all muniments and evidences thereof, to ſuch perſon or perſons as the major part, in value, of ſuch creditors, according to the ſeveral debts then proved, ſhall chuſe as aforeſaid: *Provided always*, that in ſuch choice, no vote ſhall be given by, or in behalf of any creditor whoſe debt ſhall not amount to two hundred dollars.

Sec. 7. *Provided always, and be it further enacted*, That it ſhall be lawful for the ſaid commiſſioners, as often as they ſhall ſee cauſe, for the better preſerving and ſecuring the bankrupt's eſtate, before aſſignees ſhall be choſen as aforeſaid, immediately to appoint one or more aſſignee or aſſignees, of the eſtate and effects aforeſaid, or any part thereof; which aſſignee or aſſignees aforeſaid, or any of them, may be removed at the meeting of the creditors, ſo to be appointed as aforeſaid, for the choice of aſſignees, if ſuch creditors, entitled to vote as aforeſaid, or the major part, in value, of them, ſhall think fit; and ſuch aſſignee or aſſignees as ſhall be ſo removed, ſhall deliver up all the eſtate and effects of ſuch bankrupt, which ſhall have come to his or their hands or poſſeſſion, unto ſuch other aſſignee or aſſignees as ſhall be choſen by the creditors as aforeſaid; and all ſuch eſtate and effects ſhall be, to all intents and purpoſes, as effectually and legally veſted in ſuch new aſſignee or aſſignees, as if the firſt aſſignment had been made to him or them, by the ſaid commiſſioners; and if ſuch firſt aſſignee or aſſignees ſhall refuſe or neglect, for the ſpace of ten days next after notice, in writing, from ſuch new aſſignee or aſſignees, of their appointment, as aforeſaid, to deliver over, as aforeſaid all the eſtate and effects, as aforeſaid, every ſuch aſſignee or aſſignees, ſhall, reſpectively, forfeit a ſum not exceeding five thouſand dollars, for the uſe of the creditors, and ſhall moreover be liable for the property ſo detained.

Sec. 8. *And be it further enacted*, That at any time, previous to the cloſing of the accounts of the ſaid aſſignee or aſſignees, ſo choſen as aforeſaid, it ſhall be lawful for ſuch creditors of the bankrupt, as are hereby authoriſed to vote in the choice of aſſignees, or the major

part of them, in value, at a regular meeting of the ſaid creditors, to be called for that purpoſe, by the ſaid commiſſioners, or by one fourth, in value, of ſuch creditors, to remove all or any of the aſſignees choſen as aforeſaid, and to chuſe one or more in his or their place and ſtead: and ſuch aſſignee or aſſignees as ſhall be ſo removed, ſhall deliver up all the eſtate and effects of ſuch bankrupt, which ſhall have come into his or their hands or poſſeſſion, unto ſuch new aſſignee or aſſignees as ſhall be choſen by the creditors, at ſuch meeting; and all ſuch eſtate and effects ſhall be, to all intents and purpoſes, as effectually and legally veſted in ſuch new aſſignee or aſſignees, as if the firſt aſſignment had been made to him or them, by the ſaid commiſſioners: And if ſuch former aſſignee or aſſignees ſhall refuſe or neglect, for the ſpace of ten days next after notice, in writing, from ſuch new aſſignee or aſſignees, of their appointment, as aforeſaid, to deliver over, as aforeſaid, all the eſtate and effects aforeſaid, every ſuch former aſſignee or aſſignees, ſhall, reſpectively, forfeit a ſum not exceeding five thouſand dollars, for the uſe of the creditors, and ſhall moreover be liable for the property ſo detained.

Sec. 9. *And be it further enacted*, That whenever a new aſſignee or aſſignees ſhall be choſen as aforeſaid, no ſuit at law or in equity ſhall be thereby abated, but it ſhall and may be lawful for the court in which any ſuit may depend, upon the ſuggeſtion of a removal of a former aſſignee or aſſignees and of the appointment of a new aſſignee or aſſignees, to allow the name of ſuch new aſſignee or aſſignees, to be ſubſtituted in place of the name or names of the former aſſigneee or aſſignees; and thereupon the ſuit ſhall be proſecuted in the name or names of the new aſſignee or aſſignees, in the ſame manner as if he or they had originally commenced the ſuit in his or their own names.

Sec. 10. *And be it further enacted*, That the aſſignment or aſſignments of the commiſſioners of the bankrupt's eſtate and effects as aforeſaid, made as aforeſaid, ſhall be good at law or in equity, againſt the bankrupt, and all perſons claiming by, from or under ſuch bankrupt, by any act done at the time, or after he ſhall have committed the act of bankruptcy, upon which the commiſſion iſſued. *Provided always*, That in caſe of a *bona fide* purchaſe made *before the iſſuing of the commiſſion* from or under ſuch bankrupt for valuable conſideration, by any perſon having no knowledge, information or notice of any act of bankruptcy committed, ſuch purchaſe ſhall not be invalidated or impeached.

Sec. 11. *And be it further enacted*, That the ſaid commiſſioners ſhall have power by deed or deeds, under their hands and ſeals, to aſſign and convey to the aſſignee or aſſignees, to be appointed or choſen as aforeſaid, any lands, tenements, or hereditaments, which ſuch bankrupt ſhall be ſeized of, or entitled to, fee tail, at law, or in equity, in poſſeſſion, remainder or reverſion, for the benefit of the creditors, and all ſuch deeds being duly executed and recorded according to the laws of the ſtate within which ſuch lands tenements or hereditaments, may be ſituate, ſhall be good and effectual againſt all perſons whom the ſaid bankrupt, by common recovery, or other means, might or could bar of any eſtate, right, title, or poſſibility of or in the ſaid lands, tenements or hereditaments.

Sec. 12. *And be it further enacted*, That if any bankrupt ſhall have conveyed or aſſured any lands, goods or eſtate, unto any perſon, upon condition or power of redemption, by payment of money or otherwiſe, it ſhall be lawful for the commiſſioners, or for any perſon by them duly authoriſed for that purpoſe, by writing, under their hands and ſeals, to make tender of money or other performance according to the nature of ſuch condition, as fully as the bankrupt might have done, and the commiſſioners, after ſuch performance or tender, ſhall have power to aſſign ſuch lands, goods and eſtate, for the benefit of the creditors, as fully and effectually as any other part of the eſtate of ſuch bankrupt.

Sec. 13. *And be it further enacted*, That the commiſſioners aforeſaid, ſhall have power to aſſign, for the uſe aforeſaid, all the debts due to ſuch bankrupt, or to any other perſon for his or her uſe or benefit, which aſſignment ſhall veſt the property and right thereof in the aſſignee or aſſignees of ſuch bankrupt, as fully as if the bond, judgment, contract or claim had originally belonged or been made to the ſaid aſſignees, and after aſſignment, neither the ſaid bankrupt, nor any perſon acting as truſtee for him or her, ſhall have power to recover or diſcharge the ſame, nor ſhall the ſame be attached as the debt of the ſaid bankrupt, but the aſſignee or aſſignees aforeſaid, ſhall have ſuch remedy to recover the ſame, in his or their own name or names, as ſuch bankrupt might or could have had, if no commiſſion of bankruptcy had iſſued; and when any action in the name of ſuch bankrupt ſhall have been commenced and ſhall be pending for the recovery of any debt or effects of ſuch bankrupt, which ſhall be aſſigned or ſhall or might become veſted in the aſſignee or aſſignees of ſuch bankrupt as aforeſaid, then ſuch aſſignee or aſſignees, may claim to be, and ſhall be, thereupon admitted to proſecute ſuch action in his or their name, for the uſe and benefit of the creditors of ſuch bankrupt: and the ſame judgment ſhall be rendered in ſuch action, and all attachments or other ſecurity taken therein, ſhall be in like manner holden and liable, as if the ſaid action had been originally commenced in the name of ſuch aſſignee or aſſignees, after the original plaintiff therein had become a bankrupt as aforeſaid: *Provided*, That where a debtor ſhall have, *bona fide*. paid his debt to any bankrupt, without notice that ſuch perſon was bankrupt, he or ſhe ſhall not be liable to pay the ſame to the aſſignee or aſſignees.

Sec. 14. *And be it further enacted*, That if complaint ſhall be made or information given to the commiſſioners, or if they ſhall have good reaſon to believe or ſuſpect, that any of the property, goods, chattels or debts of the bankrupt, are in the poſſeſſion of any other perſon, or that any perſon is indebted to, or for the uſe of the bankrupt, then the ſaid commiſſioners ſhall have power to ſummon, or cauſe to be ſummoned, by their attorney or other perſon duly authorized by them, all ſuch perſons before them, or the judge of the diſtrict where ſuch perſon ſhall reſide, by ſuch proceſs or other means, as they ſhall think convenient, and upon their appearance to examine them by parol or by interrogatories, in writing, on oath or affirmation, which oath or affirmation they are hereby empowered to adminiſter reſpecting the knowledge of all ſuch property, goods, chat-

tels and debts; and if ſuch perſon ſhall refuſe to be ſworn or affirmed, and to make anſwer to ſuch queſtions, or interrogatories, as ſhall be adminiſtered, and to ſubſcribe the ſaid anſwers, or upon examination, ſhall not declare the whole truth, touching the ſubject matter of ſuch examination, then it ſhall be lawful for the commiſſioners, or judge, to commit ſuch perſon to priſon, there to be detained until they ſhall ſubmit themſelves to be examined in manner aforeſaid, and they ſhall moreover, forfeit double the value of all the property, goods, chattels and debts, by them concealed.

Sec. 15. *And be it further enacted*, That if any of the aforeſaid perſons ſhall, after legal ſummons to appear before the commiſſioners or judge, to be examined, refuſe to attend, or ſhall not attend at the time appointed, having no ſuch impediment as ſhall be allowed of by the commiſſioners or judge, it ſhall be lawful for the ſaid commiſſioners or judge, to direct their warrants to ſuch perſon or perſons, as by them ſhall be thought proper, to apprehend ſuch perſons as ſhall refuſe to appear, and to bring them before the commiſſioners or judge, to be examined, and upon their refuſal to come, to commit them to priſon, until they ſhall ſubmit themſelves to be examined, according to the directions of this act: *Provided*, that ſuch witneſſes as ſhall be ſo ſent for, ſhall be allowed ſuch compenſation as the commiſſioners, or judge ſhall think fit, to be rateably borne by the creditors; and if any perſon, other than the bankrupt, either by ſubordination of others, or by his or her own act, ſhall wilfully or corruptly commit perjury on ſuch examination, to be taken before the commiſſioners as aforeſaid, the party ſo offending, and all perſons who ſhall procure any perſon to commit ſuch perjury, ſhall on conviction thereof be fined not exceeding four thouſand dollars, and impriſoned not exceeding two years, and moreover ſhall, in either caſe, be rendered incapable of being a witneſs in any court of record.

Sec. 16. *And be it further enacted*, That if any perſon or perſons ſhall fraudulently, or colluſively claim any debts, or claim or detain any real or perſonal eſtate of the bankrupt, every ſuch perſon ſhall forfeit double the value thereof, to and for the uſe of the creditors.

Sec. 17. *And be it further enacted*, That if any perſon, prior to his or her becoming a bankrupt, ſhall convey to any of his or her children, or other perſons, any lands or goods, or transfer his or [her] debts or demands into other perſon's name, with intent to defraud his or her creditors, the commiſſioners ſhall have power to aſſign the ſame, in as effectual a manner as if the bankrupt had been actually ſeized or poſſeſſed thereof.

Sec. 18. *And be it further enacted*, That if any perſon or perſons who ſhall become bankrupt within the intent and meaning of this act, and againſt whom a commiſſion of bankruptcy ſhall be duly, iſſued, upon which commiſſion ſuch perſon or perſons, ſhall be declared bankrupt, ſhall not within forty two days after notice thereof, in writing, to be left at the uſual place of abode of ſuch perſon or perſons, or perſonal notice in caſe ſuch perſon or perſons be then in priſon, and notice given in ſome gazette, that ſuch commiſſion hath been iſſued, and of the time and place of meeting of the commiſſioners, ſurrender him or herſelf to the ſaid commiſſioners, and ſign or ſubſcribe ſuch

ſurrender, and ſubmit to be examined from time to time, upon oath or ſolemn affirmation, by and before ſuch commiſſioners, and in all things conform to the proviſions of this act, and alſo upon ſuch his or her examination, fully and truly diſcloſe and diſcover all his or her effects and eſtate real and perſonal, and how, and in what manner, to whom and upon what conſideration, and at what time or times he or ſhe hath diſpoſed of, aſſigned or transferred any of his or her goods, wares or merchandize, monies or other effects and eſtates, and of all books, papers and writings, relating thereunto, of which he or ſhe was poſſeſſed, or in or to which he or ſhe was in any ways intereſted or entitled, or which any perſon or perſons ſhall then have, or ſhall have had in truſt for him or her, or for his or her uſe, at any time before or after the iſſuing of the ſaid commiſſion, or whereby ſuch bankrupt, or his or her family then hath, or may have or expect any profit, poſſibility of profit, benefit or advantage whatſoever, except only ſuch part of his or her eſtate and effects, as ſhall have been really and bona fide before ſold and diſpoſed of, in the way of his or her trade and dealings, and except ſuch ſums of money as ſhall have been laid out in the ordinary expenſes of his or her family, and alſo upon ſuch examination, execute in due form of law, ſuch conveyance, aſſurance, and aſſignment of his or her eſtate, whatſoever and whereſoever, as ſhall be deviſed and directed by the commiſſioners, to veſt the ſame in the aſſignees, their heirs, executors, adminiſtrators and aſſigns for ever, in truſt for the uſe of all and every the creditors of ſuch bankrupt, who ſhall come in and prove their debts under the commiſſion; and deliver up unto the commiſſioners, all ſuch part of his or her the ſaid bankrupt's goods, wares, merchandizes, money, effects and eſtate, and all books, papers and writings relating thereunto, as at the time of ſuch examination, ſhall be in his or her poſſeſſion, cuſtody or power (his or her neceſſary wearing apparel, and the neceſſary wearing apparel of the wife, and children, and neceſſary beds and bedding of ſuch bankrupt only excepted) then he or ſhe, the ſaid bankrupt, upon the conviction of any wilful default, or omiſſion in any of the matters or things aforeſaid, ſhall be adjudged a fraudulent bankrupt, and ſhall ſuffer imprisonment for a term not leſs than twelve months, nor exceeding ten years, and ſhall not, at any time after, be entitled to the benefits of this act; *Provided always*, That in caſe any bankrupt ſhall be in priſon or cuſtody at the time of iſſuing ſuch commiſſion, and is willing to ſurrender and ſubmit to be examined, according to the directions of this act, and can be brought before the ſaid commiſſioners and creditors for that purpoſe, the expenſe thereof ſhall be paid out of the ſaid bankrupt's effects, and in caſe ſuch bankrupt is in execution, or cannot be brought before the commiſſioners, that then the ſaid commiſſioners, or ſome one of them, ſhall from time to time, attend the ſaid bankrupt in priſon or cuſtody, and take his or her diſcovery as in other caſes; and the aſſignees, or one of them, or ſome perſon appointed by them, ſhall attend ſuch bankrupt in priſon or cuſtody, and produce his or her books, papers and writings, in order to enable him or her to prepare his or her diſcovery, a copy whereof the ſaid aſſignees ſhall apply for, and the ſaid bankrupt ſhall deliver to

them or their order, within a reaſonable time, after the ſame ſhall have been required.

Sec. 19. *And be it further enacted*, That the ſaid commiſſioners ſhall appoint, within the ſaid forty-two days ſo limited as aforeſaid, for the bankrupt to ſurrender and conform as aforeſaid, not leſs than three ſeveral meetings for the purpoſes aforeſaid, the third of which meetings ſhall be on the laſt of the ſaid forty-two days; *Provided always*, that the judge of the diſtrict within which ſuch commiſſion iſſues, ſhall have power to enlarge the time ſo limited as aforeſaid, for the purpoſes aforeſaid, as he ſhall think fit, not exceeding fifty days, to be computed from the end of the ſaid forty two days, ſo as ſuch order for enlarging the time be made at leaſt ſix days before the expiration of ſaid term.

Sec. 20. *And be it further enacted*, That it ſhall be lawful for the commiſſioners, or any other perſon or officers, by them to be appointed, by their warrant, under their hands and ſeals, to break open in the day time, the houſes, chambers, ſhops, warehouſes, doors, trunks or cheſts, of the bankrupt, where any of his or her goods or eſtate, deeds, books of account or writings, ſhall be, and to take poſſeſſion of the goods, money, and other eſtate, deeds, books of account or writings of ſuch bankrupt.

Sec. 21. *And be it further enacted*, That, if the bankrupt ſhall refuſe to be examined, or to anſwer fully, or to ſubſcribe his or her examination as aforeſaid, it ſhall be lawful for the commiſſioners to commit the offender to cloſe impriſonment, until he or ſhe ſhall conform him or herſelf; and if the ſaid bankrupt ſhall ſubmit to be examined, and upon his or her examination it ſhall appear that he or ſhe hath committed wilful or corrupt perjury, he or ſhe may be indicted therefor, and being thereof convicted, ſhall ſuffer impriſonment for a term not leſs than two years, nor exceeding ten years.

Sec. 22. *And be it further enacted*, That every bankrupt, having ſurrendered, ſhall, at all ſeaſonable times before the expiration of the ſaid forty-two days, as aforeſaid, or of ſuch further time as ſhall be allowed to finiſh his or her examination, be at liberty to inſpect his or her books and writings, in the preſence of ſome perſon to be appointed by the commiſſioners, and to bring with him or her, for his or her aſſiſtance, ſuch perſons as he or ſhe ſhall think fit, not exceeding two at one time, and to make extracts and copies, to enable him or her to make a full diſcovery of his or her effects; and the ſaid bankrupt ſhall be free from arreſts in coming to ſurrender, and after having ſurrendered to the ſaid commiſſioners, for the ſaid forty-two days, or ſuch farther time as ſhall be allowed for the finiſhing his or her examination; and in caſe ſuch bankrupt ſhall be arreſted for debt, or taken on any eſcape warrant or execution, coming to ſurrender, or after his ſurrender within the time beforementioned, then on producing ſuch ſummons or notice under the hand of the commiſſioners, and giving the officer a copy thereof, he or ſhe ſhall be diſcharged; and in caſe any officer ſhall afterwards detain ſuch bankrupt, ſuch officer ſhall forfeit to ſuch bankrupt for his or her own uſe, ten dollars for every day he ſhall detain the bankrupt.

Sec. 23. *And be it further enacted*, That every perſon who ſhall knowingly or wilfully receive or keep concealed any bankrupt, ſo as aforeſaid ſummoned to appear, or

who ſhall aſſiſt ſuch bankrupt in concealing him or herſelf, or in abſconding, ſhall ſuffer ſuch impriſonment, not exceeding twelve months, or pay ſuch fine to the United States, not exceeding one thouſand dollars, as upon conviction thereof ſhall be adjudged.

Sec. 24. *And be it further enacted*, That the ſaid commiſſioners ſhall have power to examine, upon oath or affirmation, the wife of any perſon lawfully declared a bankrupt, for the diſcovery of ſuch part of his eſtate as may be concealed or diſpoſed of by ſuch wife, or by any other perſon; and the ſaid wife ſhall incur ſuch penalties for not appearing before the ſaid commiſſioners, or refuſing to be ſworn or affirmed, or examined, and to ſubſcribe her examination, or for not diſcloſing the truth, as by this act is provided againſt any other perſon in like caſes.

Sec. 25. *And be it further enacted*, That in caſe any perſon ſhall be committed by the commiſſioners for refuſing to anſwer, or for not fully anſwering any queſtion, or for any other cauſe, the commiſſioners ſhall, in their warrant, ſpecify ſuch queſtion or other cauſe of commitment.

Sec. 26. *And be it further enacted*, That if after the bankrupt ſhall have finiſhed his or her final examination, any other perſon or perſons ſhall voluntarily make diſcovery of any part of ſuch bankrupt's eſtate, before unknown to the commiſſioners, ſuch perſon or perſons ſhall be entitled to five per cent out of the effects ſo diſcovered, and ſuch further reward as the commiſſioners ſhall think proper; and any truſtee having notice of the bankruptcy, wilfully concealing the eſtate, of any bankrupt, for the ſpace of ten days after the bankrupt ſhall have finiſhed his final examination, as aforeſaid, ſhall forfeit double the value of the eſtate ſo concealed, for the benefit of the creditors.

Sec. 27. *And be it further enacted*, That if any perſon ſhall become bankrupt, and at ſuch time, by conſent of the owner, have his or her poſſeſſion and diſpoſition, any goods whereof he or ſhe ſhall be reputed owner, and take upon him or herſelf, the ſale, alteration, or diſpoſition thereof, as owner, the commiſſioners ſhall have power to aſſign the ſame, for the benefit of the creditors, as fully as any other part of the eſtate of the bankrupt.

Sec. 28. *And be it further enacted*, That if any bankrupt, after the iſſuing any commiſſion againſt him or her, pay to the perſon who ſued out the ſame, or give or deliver to ſuch perſon, goods or any other ſatisfaction or ſecurity for his or her debt, whereby ſuch perſon ſhall privately have and receive a greater proportion of his or her debt than the other creditors, ſuch preference ſhall be a new act of bankruptcy, and on good proof thereof, ſuch commiſſion ſhall and may be ſupereceded, and it ſhall and may be lawful for either of the judges, having authority to grant the commiſſion as aforeſaid, to award any creditor petitioning another commiſſion, and ſuch perſon, ſo taking ſuch undue ſatisfaction as aforeſaid, ſhall forfeit and loſe, as well his or her whole debts, as the whole he or ſhe ſhall have taken and received, and ſhall pay back, or deliver up the ſame, or the full value thereof, to the aſſignee or aſſignees who ſhall be appointed or choſen under ſuch commiſſion, in manner aforeſaid, in truſt for, and to be divided amongſt the other creditors of the ſaid bank-

rupt, in proportion to their reſpective debts.

Sec. 29. *And be it further enacted*, That every perſon who ſhall be choſen aſſignee of the eſtate and effects of a bankrupt, ſhall, at ſome time after the expiration of four months, and within twelve months from the time of iſſuing the commiſſion, cauſe at leaſt thirty days public notice to be given, of the time and place the commiſſioners and aſſignees intend to meet, to make a dividend or diſtribution of the bankrupt's eſtate and effects; at which time the creditors who have not before proved their debts, ſhall be at liberty to prove the ſame; and upon every ſuch meeting, the aſſignee or aſſignees ſhall produce to the commiſſioners and creditors then preſent, fair and juſt accounts of all his or their receipts and payments, touching the bankrupt's eſtate and effects, and of what ſhall remain out ſtanding, and the particulars thereof, and ſhall, if the creditors then preſent, or a major part of them, require the ſame, be examined upon oath or ſolemn affirmation, before the ſame commiſſioners, touching the truth of ſuch accounts; and in ſuch accounts, the ſaid aſſignee or aſſignees ſhall be allowed and retain all ſuch ſum and ſums of money, as they ſhall have paid or expended in ſuing out and proſecuting the commiſſion, and all other juſt allowances on account of, or by reaſon or means of their being aſſignee or aſſignees; and the ſaid commiſſioners ſhall order ſuch part of the nett produce of the ſaid bankrupt's eſtate, as by ſuch accounts or otherwiſe ſhall appear to be in the hands of the ſaid aſſignees, as they ſhall think fit, to be forthwith divided among ſuch of the bankrupt's creditors as have duly proved their debts under ſuch real or perſonal eſtate of ſuch bankrupt, before the time he or ſhe became commiſſion, in proportion to their ſeveral and reſpective debts: and the commiſſioners ſhall make ſuch their order for a dividend in writing, under their hands, and ſhall cauſe one part of ſuch order to be filed amongſt the proceedings under the ſaid commiſſion, and ſhall deliver unto each of the aſſignees under ſuch commiſſion, a duplicate of ſuch their order, which order of diſtribution ſhall contain an account of the time and place of making ſuch order, and the ſum total or quantum of all the debts proved under the commiſſion, and the ſum total of the money remaining in the hands of the aſſignee or aſſignees to be divided, and how many per cent in particular is there ordered to be paid to every creditor of his debt; and the ſaid aſſignee or aſſignees, in purſuance of ſuch order, and without any deed or deeds of diſtribution, to be made for the purpoſe, ſhall forthwith make ſuch dividend and diſtribution accordingly, and ſhall take receipts, in a book to be kept for that purpoſe, from each creditor, for the part or ſhare of ſuch dividend or diſtribution, which he or they ſhall make, and pay to each creditor reſpectively; and ſuch order and receipt ſhall be a full and effectual diſcharge to ſuch aſſignee for ſo much as he ſhall fairly pay, purſuant to ſuch order as aforeſaid.

Sec. 30. *And be it further enacted*, That within eighteen months, next after the iſſuing of the commiſſion, the aſſignee or aſſignees ſhall make a ſecond dividend of the bankrupt's eſtate and effects, in caſe the ſame were not wholly divided upon the firſt dividend, and ſhall cauſe due public notice to be given of the time and place the

ſaid commiſſioners intend to meet, to make a ſecond diſtribution of the bankrupt's eſtate and effects, and for the creditors who ſhall not before have proved their debts, to come in and prove the ſame; and at ſuch meeting, the ſaid aſſignees ſhall produce, on oath or ſolemn affirmation as aforeſaid, their accounts of the bankrupt's eſtate and effects, and what, upon the balance thereof, ſhall appear to be in their hands, ſhall by like order of the commiſſioners, be forthwith divided amongſt ſuch of the bankrupt's creditors as ſhall have made due proof of their debts, in proportion to their ſeveral and reſpective debts: which ſecond dividend ſhall be final, unleſs any ſuit at law, or equity, be depending, or any part of the eſtate ſtanding out, that could not have been diſpoſed of, or that the major part of the creditors ſhall not have agreed to be ſold or diſpoſed of, or unleſs ſome other or future eſtate or effects of the bankrupt ſhall afterwards come to, or reſt in the ſaid aſſignees, in which caſes the ſaid aſſignees, ſhall as ſoon as may be, convert ſuch future or other eſtate and effects into money, by like order of the commiſsioners, divide the ſame among ſuch bankrupt's creditors as ſhall have made due proof of their debt under ſuch commiſsion.

Sec. 31. *And be it further enacted*, That in the diſtribution of the bankrupt's effects there ſhall be paid to every of the creditors a portionrate, according to the amount of their reſpective debts, ſo that every creditor having ſecurity for his debt, by judgment, ſtatute, recognizance, or ſpecialty, or having an attachment under any of the laws of the individual ſtates, or of the United States, on the eſtate of ſuch bankrupt, (*Provided* there be no execution executed upon any of the came bankrupts) ſhall not be relieved upon any ſuch judgment, ſtatute, recognizance, ſpecialty or attachment for more than a rateable part of his debt, with the other creditors of the bankrupt.

Sec. 32. *And be it further enacted*, That the aſsignees ſh.ll keep one or more diſtinct book or books of account, wherein he or they ſhall duly enter all ſums of money or effects, which he or they ſhall have received, or got into his or their poſſeſsion, of the ſaid bankrupt's eſtate, to which books of account, every creditor who ſhall have proved his or her debt, ſhall, at all reaſonable times, have free reſort, and inſpect the ſame as often as he or ſhe ſhall think fit.

Sec. 33. *And be it further enacted*, That every bankrupt, not being in priſon or cuſtody, ſhall at all times after his ſurrender, be bound to attend the aſſignees, upon every reaſonable notice, in writing, for that purpoſe, given or left at the uſual place of his or her abode, in order to aſſiſt in making out the accounts of the ſaid bankrupt's eſtate and effects, and to attend any court of record, to be examined touching the ſame, or ſuch other buſineſs as the ſaid aſſignees ſhall judge neceſſary, for which he ſhall receive three dollars per day.

Sec. 34. *And be it further enacted*, That all and every perſon and perſons who ſhall become bankrupt as aforeſaid, and who ſhall within the time limited by this act, ſurrender him or herſelf to the commiſſioners, and in all things conform as in and by this act is directed, ſhall be allowed five per cent. upon the nett produce of all the eſtate that ſhall be recovered in and received, which ſhall be paid unto him or her by the aſſignee or aſſignees, in caſe the nett produce of ſuch eſtate af-

ter ſuch allowance made, ſhall be ſufficient to pay the creditors of ſaid bankrupt who ſhall have proved their debts under ſuch commiſſion, the amount of fifty per cent. on their ſaid debts, reſpectively, and ſo as the ſaid five per cent ſhall not exceed in the whole, the ſum of five hundred dollars; and in caſe the nett produce of the ſaid eſtate ſhall, over and above the allowance hereafter mentioned, be ſufficient to pay the ſaid creditors ſeventy-five per cent on the amount of their ſaid debts, reſpectively, that then the ſaid bankrupt ſhall be allowed ten per cent on the amount of ſuch nett produce, to be paid as aforeſaid, ſo as ſuch ten per cent ſhall not, in the whole, exceed the ſum of eight hundred dollars; and every ſuch bankrupt ſhall be diſcharged from all debts by him or her due or owing, at the time he or ſhe became bankrupt, and all which were or might have been proved under the ſaid commiſſion; and in caſe any ſuch bankrupt ſhall afterwards be arreſted, proſecuted or impleaded, for or on account of the ſaid debts, ſuch bankrupt may appear without bail, and may plead the general iſſue. and give this act, and the ſpecial matter in evidence: And the certificate of ſuch bankrupt's conforming, and the allowance thereof, according to the directions of this act, ſhall be, and ſhall be allowed to be ſufficient evidence, *prima facie*, of the party's being a bankrupt within the meaning of this act, and of the commiſſion and other proceedings precedent to the obtaining ſuch certificate, and a verdict ſhall thereupon paſs for the defendant, unleſs the plaintiff in ſuch action can prove the ſaid certificate was obtained unfairly, and by fraud, or unleſs he can make appear any concealment of eſtate or effects, by ſuch bankrupt to the value of one hundred dollars: *Provided*, that no ſuch diſcharge of a bankrupt, ſhall releaſe or diſcharge any perſon who was a partner with ſuch bankrupt, at the time he or ſhe became bankrupt, or who was then jointly held or bound with ſuch bankrupt for the ſame debt or debts from which ſuch bankrupt was diſcharged as aforeſaid.

Sec. 35. *Provided always, and be it further enacted*, That if the nett proceeds of the bankrupt's eſtate, ſo to be diſcovered, recovered and received, ſhall not amount to ſo much as will pay all and every of the creditors of the ſaid bankrupt, who ſhall have proved their debts under the ſaid commiſſion, the amount of fifty per cent on their debts reſpectively, after all charges firſt deducted, that then, and in ſuch caſe, the bankrupt ſhall not be allowed five per centum on ſuch eſtate as ſhall be recovered in, but ſhall have and be paid by the aſſignees ſo much money as the commiſſioners ſhall think fit to allow, not more than three hundred dollars, nor exceeding three per centum on the nett proceeds of the ſaid bankrupt's eſtate.

Sec. 36. *Provided alſo, and be it further enacted*, That no perſon becoming a bankrupt according to the intent and proviſions of this act, ſhall be entitled to a certificate of diſcharge, or to any of the benefits of the act, unleſs the commiſſioners ſhall certify under their hands, to the judge of the diſtrict within which ſuch commiſſion iſſues, that ſuch bankrupt hath made a full diſcovery of his or her eſtate and effects, and in all things conformed him or herſelf to the directions of this act, and that there doth not appear to them any reaſon to doubt of the truth of ſuch diſcovery, or

that the ſame was not a full diſcovery of the ſaid bankrupt's eſtate and effects; or unleſs the ſaid judge ſhould be of opinion that the ſaid certificate was unreaſonably denied by the commiſſioners; and unleſs two thirds, in number and in value, of the creditors of the bankrupt, who ſhall be creditors for not leſs than fifty dollars reſpectively, and who ſhall have duly proved their debts under the ſaid commiſſion, ſhall ſign ſuch certificate to the judge, and teſtify their conſent to the allowance of a certificate of diſcharge, in purſuance of this act; which ſigning and conſent ſhall be alſo certified by the commiſſioners; but the ſaid commiſſioners ſhall not certify the ſame till they have proof by affidavit or affirmation, in writing, of ſuch creditors, or of the perſons reſpectively authoriſed for that purpoſe, ſigning the ſaid certificate; which affidavit or affirmation, together with the letter or power of attorney to ſign, ſhall be laid before the judge of the diſtrict within which ſuch commiſſion iſſues, in order for the allowing the certificate of diſcharge, and the ſaid certificate ſhall not be allowed unleſs the bankrupt make oath or affirmation in writing, that the certificate of the commiſſioners, and conſent of the creditors thereunto, were obtained fairly and without fraud; and any of the creditors of the ſaid bankrupt are allowed to be heard if they ſhall think fit, before the reſpective perſons aforeſeid, againſt the making or allowing of ſuch certificates by the commiſſioners or judge.

Sec. 37. *And be it further enacted*, That if any creditor, or pretended creditor of any bankrupt, ſhall exhibit to the commiſſioners any fictitious or falſe debt, or demand, with intent to defraud the real creditors of ſuch bankrupt, and the bankrupt ſhall refuſe to make diſcovery thereof, and ſuffer the fair creditors to be impoſed upon, he ſhall loſe all title to the allowance upon the amount of his effects, and to a certificate of diſcharge as aforeſaid, nor ſhall he be entitled to the ſaid allowance or certificate, if he has loſt, at any one time fifty dollars, or in the whole three hundred dollars, after the paſſing of this act, and within twelve months before he became a bankrupt, by any manner of gaming or wagering whatever.

Sec. 38. *And be it further enacted*, That if any bankrupt, ſhall be taken in execution or detained in priſon, on account of any debts owing before he became a bankrupt by reaſon that judgment was obtained before ſuch certificate was allowed, it ſhall be lawful for any of the judges of the court wherein judgment was ſo obtained, or for any court, judge or juſtice, within the diſtrict in which ſuch bankrupt ſhall be detained, having powers to award or allow the writ of Habeas Corpus, on ſuch bankrupt producing his certificate ſo as aforeſaid allowed, to order any ſheriff or gaoler who ſhall have ſuch bankrupt in cuſtody, to diſcharge ſuch bankrupt without fee or charge, firſt giving reaſonable notice to the plaintiff, or his attorney, of the motion for ſuch diſcharge.

Sec. 39. *And be it further enacted*, That every perſon who ſhall have *bona fide* given credit to or taken ſecurities, payable at future days, from perſons who are or ſhall become bankrupts, not due at the time of ſuch perſons becoming bankrupt, ſhall be admitted to prove their debts and contracts, as if they were payable preſently, and ſhall have a dividend in proportion to

the other creditors, diſcounting, where no intereſt is payable, at the rate of ſo much per centum per annum, as is equal to the lawful intereſt of the ſtate where the debt was payable; and the obligee of any bottomry or reſpondentia bond, and the aſſured in any policy of inſurance, ſhall be admitted to claim; and after the contingency or loſs, to prove the debt thereon, in like manner as if the ſame had happened before iſſuing the commiſſion; and the bankrupt ſhall be diſcharged from ſuch ſureties, as if ſuch money had been due and payable before the time of his or her becoming a bankrupt: and ſuch creditors may petition for a commiſſion, or join in petitioning.

Sec. 40. *And be it further enacted*, That in caſe any perſon, committed by the commiſſioner's warrant, ſhall obtain a *habeas corpus*, in order to be diſcharged, and there ſhall appear any inſufficiency in the form of the warrant, it ſhall be lawful for the court or judge before whom ſuch party ſhall be brought by *habeas corpus*, by rule or warrant, to commit ſuch perſons to the ſame priſon, there to remain until he ſhall conform as aforeſaid, unleſs it ſhall be made to appear that he had fully anſwered all lawful queſtions put to him by the commiſſioners; or in caſe ſuch perſon was committed for not ſigning his examination, unleſs it ſhall appear that the party had good reaſon for refuſing to ſign the ſame, or that the commiſſioners had exceeded their authority in making ſuch commitment; and in caſe the gaoler to whom ſuch perſon ſhall be committed, ſhall wilfully or negligently ſuffer ſuch perſon to eſcape, or to go without the doors or walls of the priſon, ſuch gaoler ſhall, for ſuch offence, being convicted thereof, forfeit a ſum not exceeding three thouſand dollars for the uſe of the creditors.

Sec. 41. *And be it further enacted*, That the gaoler ſhall, upon the requeſt of any creditor, having proved his debt, and ſhewing a certificate thereof, under the hands of the commiſſioners, which the commiſſioners ſhall give without fee or reward, produce the perſon ſo committed; and in caſe ſuch gaoler ſhall refuſe to ſhew ſuch perſon to ſuch creditor, requeſting the ſame, ſuch perſon ſhall be conſidered as having eſcaped, and the gaoler or ſheriff ſo refuſing, ſhall be liable as for a wilful eſcape.

Sec. 42. *And be it further enacted*, That where it ſhall appear to the ſaid commiſſioners that there hath been mutual credit given by the bankrupt, and any other perſon, or mutual debts between them at any time before ſuch perſon became bankrupt, the aſſignee or aſſignees of the eſtate ſhall ſtate the account between them, and one debt may be ſet off againſt the other, and what ſhall appear to be due on either ſide on the balance of ſuch account after ſuch ſet off, and no more, ſhall be claimed or paid on either ſide reſpectively.

Sec. 43. *And be it further enacted*, That it ſhall and may be lawful to and for the aſſignee or aſſignees of any bankrupt's eſtate and effects, under the direction of the commiſſioners, and by and with the conſent of the major part in value of ſuch of the ſaid bankrupt's creditors, as ſhall have duly proved their debts under the commiſſion, and ſhall be preſent at any meeting of the ſaid creditors, to be held in purſuance of the due public notice for that purpoſe given, to ſumbit any difference or diſpute for, on account of, or by reaſon or means of,

any matter, cauſe or thing whatſoever, relating to ſuch bankrupt, or to his or her eſtate or effects, to the final end and determination of arbitrators to be choſen by the ſaid commiſſioners, and the major part in value of ſuch creditors as ſhall be preſent at ſuch meeting as aforeſaid, and the party or parties with whom they ſhall have ſuch difference or diſpute, and to perform the award of ſuch arbitrators, or otherwiſe to compound and agree the matter in difference or diſpute as aforeſaid, in ſuch manner as the ſaid aſſignee or aſſignees under the direction and with the conſent aforeſaid, ſhall think fit and can agree: and the ſame ſhall be binding on the ſeveral creditors of the ſaid bankrupt, and the ſaid aſſignee or aſſignees are hereby indemnified for what they ſhall fairly do according to the directions aforeſaid.

Sec. 44. *And be it further enacted*, That the aſſignees ſhall be, and hereby are veſted with full power to diſpoſe of all the bankrupt's eſtate real and perſonal at public auction or vendue, without being ſubject to any tax, duty, impoſition, or reſtriction, any law to the contrary notwithſtanding.

Sec. 45. *And be it further enacted*, That if after any commiſſion of bankruptcy, ſued forth, the bankrupt happen to die before the commiſſioners ſhall have diſtributed the effects, or any part thereof, the commiſſioners ſhall, nevertheleſs, proceed to execute the commiſſion, as fully as they might have done if the party were living.

Sec. 46. *And be it further enacted*, That where any commiſſion of bankruptcy ſhall be delivered to the commiſſioners, therein named, to be executed, it ſhall and may be lawful for them before they take the oath or affirmation of qualification, to demand and take from the creditor or creditors proſecuting ſuch commiſſion, a bond with one good ſecurity, if required, in the penalty of one thouſand dollars, conditioned for the payment of the coſts, charges and expences, which ſhall ariſe and accrue upon the proſecution of the ſaid commiſſion: *Provided always*, That the expences ſo as aforeſaid to be ſecured and paid by the petitioning creditor or creditors, ſhall be repaid to him or them by the commiſſioners or aſſignees, out of the firſt monies ariſing from the bankrupt's eſtate or effects, if ſo much be received therefrom.

Sec. 47. *And be it further enacted*, That the diſtrict judges, in each diſtrict reſpectively, ſhall fix a rate of allowance to be made to the commiſſioners of bankruptcy, as compenſation of ſervices to be rendered under the commiſſion, and it ſhall be lawful for any creditor, by petition to the diſtrict judge, to except to any charge contained in the account of the commiſſioners; And the ſaid judge, after hearing the commiſſioners, may in a ſummary way decide upon the validity of ſuch exception.

Sec. 48. *And be it further enacted*, That all penalties, given by this act for the benefit of the creditors, ſhall be recovered by the aſſignee or aſſignees by action of debt, and the money ſo recovered, the charges of ſuit being deducted, ſhall be diſtributed towards payment of the creditors.

Sec. 49. *And be it further enacted*, That if any action ſhall be brought againſt any commiſſioner, or aſſignee, or other perſon, having authority under the commiſſion, for any thing done or performed by force of this act, the defendant may plead the general iſſue, and give

this act and the ſpecial matter in evidence; and in caſe of a non-ſuit, diſcontinuance, or verdict or judgment for him, he ſhall recover double coſts.

Sec. 50. *And be it further enacted*, That if any eſtate real or perſonal ſhall deſcend, revert to, or become veſted in any perſon after he or ſhe ſhall be declared a bankrupt, and before, he or ſhe ſhall obtain a certificate, ſigned by the judge as aforeſaid, all ſuch eſtate ſhall, by virtue of this act, be veſted in the ſaid commiſſioners, and ſhall be by them aſſigned and conveyed to the aſſignee or aſſignees in fee ſimple, or otherwiſe, in like manner as above directed, with the eſtate of the ſaid bankrupt, at the time of the bankruptcy, and the proceeds thereof ſhall be divided among the creditors.

Sec. 51. *And be it further enacted*, That the ſaid commiſſioners ſhall once in every year, carefully file, in the clerk's office of the diſtrict court, all the proceedings had in every caſe before them, and which ſhall have been finiſhed, including the commiſſions, examinations, dividends, entries, and other determinations of the ſaid commiſſioners, in which office, the final certificate of the ſaid bankrupt may alſo be recorded; all which proceedings ſhall remain of record in the ſaid office, and certified copies thereof ſhall be admitted as evidence in all courts, in like manner as the copies of the proceedings of the ſaid diſtrict court are admitted in other caſes.

Sec. 52. *And be it further enacted*, That it ſhall and may be lawful for any creditor of ſuch bankrupt, to attend all or any of the examinations of ſaid bankrupt, and the allowance of the final certificate, if he ſhall think proper, and then and there to propoſe interrogatories, to be put by the judge or commiſſioners to the ſaid bankrupt and others, and alſo to produce and examine witneſſes and documents before ſuch judge or commiſſioners, relative to the ſubject matter before them. And in caſe either the bankrupt or creditor ſhall think him or herſelf aggrieved by the determination of the ſaid judge or commiſſioners, relative to any material fact, in the commencement or progreſs of the ſaid proceedings, or in the allowance of the certificate aforeſaid, it ſhall and may be lawful for either party to petition the ſaid judge, ſetting forth ſuch facts and the determination thereon, with the complaint of the party, and a prayer for trial by a jury to determine the ſame, and the ſaid judge ſhall, in his diſcretion, make order thereon, and award a *venire facias* to the marſhal of the diſtrict, returnable within 15 days before him, for the trial of the facts mentioned in the ſaid petition, notice whereof ſhall be given to the commiſſioners and creditors concerned in the ſame; at which time the ſaid trial ſhall be had, unleſs, on good cauſe ſhewn, the judge ſhall give farther time, and judgment being entered on the verdict of the jury, ſhall be final, on the ſaid facts, and the judge or commiſſioners ſhall proceed agreeably thereto.

Sec. 53. *And be it further enacted*, That the commiſſioners before the appointment of aſſignees, and the aſſignees after ſuch appointment, may from time to time make ſuch allowance out of the bankrupt's eſtate until he ſhall have obtained his final diſcharge, as in their opinion may be requiſite for the neceſſary ſupport of the ſaid bankrupt and his family.

Sec. 54. *And be it further enac-*

ted, That it ſhall be lawful for the major part in value of the creditors, before they proceed to the choice of aſſignees, to direct in what manner, with whom, and where the monies ariſing by, and to be received from time to time out of the bankrupts eſtate, ſhall be lodged, until the ſame ſhall be divided among the creditors, as herein provided; to which direction every ſuch aſſignee and aſſignees ſhall conform as often as three hundred dollars ſhall be received.

Sec. 55. *And be it further enacted*, That every matter and thing by this act required to be done by the commiſſioners of any bankrupt, ſhall be valid to all intents and purpoſes, if performed by a majority of them.

Sec. 56. *And be it further enacted*, That in all caſes where the aſſignees ſhall proſecute any debtor of the bankrupt for any debt, duty or demand, the commiſſion, or a certified copy thereof, and the aſſignment of the commiſſioners of the bankrupt's eſtate, ſhall be concluſive evidence of the iſſuing the commiſſion, and of the perſon named therein, being a trader and bankrupt, at the time mentioned therein.

Sec. 57. *And be it further enacted*, That every perſon obtaining a diſcharge from his debts, by certificates as aforeſaid, granted under a commiſſion of bankruptcy, ſhall not, on any future commiſſion, be entitled to any other certificate than a diſcharge of his perſon only; unleſs the nett proceeds of the eſtate, and effects of ſuch perſon ſo becoming bankrupt a ſecond time, ſhall be ſufficient to pay ſeventy-five per cent to his or her creditors on the amount of their debts reſpectively.

Sec. 58. *And be it further enacted*, That any creditor of a perſon, againſt whom a commiſſion of bankruptcy ſhall have been ſued forth, and who ſhall lay his claim before the commiſſioners appointed in purſuance of this act, may, at the ſame time, declare his unwillingneſs to ſubmit the ſame to the judgment of the ſaid commiſſioners, and his wiſh that a jury may be impannelled to decide thereon: and in like manner the aſſignee or aſſignees of ſuch bankrupt may object to the conſideration of any particular claim by the commiſſioners, and require that the ſame ſhould be referred to a jury. In either caſe ſuch objection and requeſt ſhall be entered on the books of the commiſſioners, and thereupon an iſſue ſhall be made up between the parties, and a jury ſhall be impannelled, as in other caſes, to try the ſame in the circuit court for the diſtrict in which ſuch bankrupt has uſually reſided. The verdict of ſuch jury ſhall be ſubject to the controul of the court, as in ſuits originally inſtituted in the ſaid court, and when rendered, if not ſet aſide by the court, ſhall be certified to the commiſſioners, and ſhall aſcertain the amount of any ſuch claim, and ſuch creditor or creditors ſhall be conſidered, in all reſpects as having proved their debts under the commiſſion.

Sec. 59. *And be it further enacted*, That the lands and effects of any perſon becoming bankrupt, may be ſold on ſuch credit, and on ſuch ſecurity, as a major part in value of the creditors may direct: *Provided* nothing herein contained ſhall be allowed ſo to operate as to retard the granting the bankrupt's certificate.

Sec. 60. *And be it further enacted*, That if any perſon becoming a bankrupt, ſhall be in priſon, it ſhall be lawful for any creditor or creditors, at whoſe ſuit he or ſhe ſhall

be in execution, to diſcharge him or her from cuſtody, if ſuch creditor or creditors ſhall refuſe to do ſo, the priſoner may petition the commiſſioners to liberate him or her; and thereupon, if, in the opinon of the commiſſioners, the conduct of ſuch bankrupt ſhall have been fair, ſo as to entitle him or her, in their opinion, to a certificate when by law ſuch certificate might be given, it ſhall be lawful for them to direct the diſcharge of ſuch priſoner, and to enter the ſame in their books; which being notified to the keeper of the jail in which ſuch priſoner may be confined, ſhall be a ſufficient authority for his or her diſcharge: *Provided*, That in either caſe, ſuch diſcharge ſhall be no bar to another execution, if a certificate ſhall be refuſed to ſuch bankrupt: *And provided alſo:* That it ſhall be no bar to a ſubſequent impriſonment of ſuch bankrupt, by order of the commiſſioners, in conformity with the proviſions of this act.

Sec. 61. *And be it further enacted*, That this act ſhall not repeal or annul, or be conſtrued to repeal or annul the laws of any ſtate, now in force, or which may be hereafter enacted, for the relief of inſolvent debtors, except ſo far as the ſame may reſpect perſons, who are, or may be clearly within the purview of this act, and whoſe debts ſhall amount, in the caſes ſpecified in the 2d ſection thereof, to the ſums therein mentioned; and if any perſon, within the purview of this act, ſhall be impriſoned for the ſpace of three months for any debt, or upon any contract, unleſs the creditors of ſuch priſoners ſhall proceed to proſecute a commiſſion of bankruptcy againſt him or her, agreeably to the proviſions of this act, ſuch debtor may and ſhall be entitled to relief, under any ſuch law for the relief of inſolvent debtors, this act notwithſtanding.

Sec. 62. *And be it further enacted*, That nothing contained in this law ſhall, in any manner, affect the right of preference, to prior ſatisfaction of debts due to the United States, as ſecured or provided by any law heretofore paſſed, nor ſhall be conſtrued to leſſen or impair any right to, or ſecurity for money due to the United States, or to any of them.

Sec. 63. *And be it further enacted*, That nothing contained in this act ſhall be taken, or conſtrued, to invalidate or impair, any lien exiſting at the date of this act, upon the lands or chattels of any perſon who may become a bankrupt.

Sec. 64. *And be it further enacted*, That this act ſhall continue in force during the term of five years, and from thence to the end of the next ſeſſion of congreſs thereafter, and no longer: Provided, That the expiration of this act ſhall not prevent the complete execution of any commiſſion which may have been previouſly thereto iſſued.

THEODORE SEDGWICK,
Speaker of the houſe of representatives.

THOMAS JEFFERSON,
Vice-President of the United States, and President of the Senate.

Approved, April 4, 1800.

JOHN ADAMS,
President of the United States.

IN the county of Hanover, in Virginia, the vibrations of popularity are very nice; accident rather than principle has ſeemed to govern ſeveral elections there; previous to the laſt election for Delegates to the Legiſlature, two ſets of candidates offered—ſome local reaſons were likely to turn the election in favor of the Ariſtocrats,—a county meeting was held, and a ſpeech was delivered to the People, by Nathaniel Pope, jun. in which he was led to the diſcuſſion of the Alien Law; and I think he has diſcloſed ſome new features in that deteſtable inſtrument of deſpotiſm; at leaſt they are ſuch as I have not ſeen generally publiſhed. This expoſition of the abuſes of government had the deſired effect: Republicans were elected. Had the eloquence of Mr. Pope been rouſed before the laſt Federal election took place in the diſtrict of which Hanover is a part, it is very probable that Mr. Marſhall [the preſent Secretary of State] would have been permitted to enjoy the ſweets of domeſtic retirement.

EXTRACT FROM A SPEECH DELIVERED BY NATHANIEL POPE, JUN. TO THE PEOPLE OF HANOVER.

BY the conſtitution we find the people of America diſtributing the governmental powers into three great and diſtinct branches; legiſlative, executive and judicial.—By the 1ſt ſection of the 1ſt article of the conſtitution, all legiſlative powers are veſted in congreſs; by 1ſt ſection of the 2d article of the conſtitution, all executive power is veſted in a preſident of the United States. And by the firſt ſection of the 3d article of the conſtitution, all judicial power is veſted in one ſupreme court, and ſuch other inferior courts as congreſs ſhall conſtitute and ordain. It will not be denied Mr. Chairman, but that the union of theſe powers, or the union of any two of them in the hands of one man, or on one ſet of men; whether arrogantly wreſted from, or voluntarily ſurrendered by the other departments of government, is the true definition of, and conſtitutes deſpotiſm. If however this poſition ſhould be denied, I ſhall be permitted to call in to my aid the arguments of the celebrated Monteſquieu. This great man Mr. Chairman in his ſpirit of laws, has expreſſed himſelf on this ſubject in the following elegant manner. "When the legiſlative and executive powers are united in the ſame perſon or in the ſame body of magiſtrates, there can be no liberty; becauſe he or they may enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty if the power of judging be not ſeparated from the legiſlative & executive powers. Were it joined with the legiſlative, the life & liberty of the ſubject would be expoſed to arbitrary controul; for the judge would be then the legiſlator. Were it joined to the executive power, the judge might behave with all the violence of an oppreſſor. There would be an end of every thing were the ſame man, or ſame body of men, to exerciſe thoſe three powers; that of enacting laws, that of executing the public reſolution, and that of judging the crimes of

differences of individuals. In Turkey where these three powers are united in the Sultan's person. the subjects groan under the weight of a most frightful oppression. In the republics of Italy where these three powers are united, there is less liberty than in monarchies. Hence their government is obliged to have recourse to as violent methods for its support, as even that of the Turks; witness the state inquisitors at Venice, and the Lyon's mouth, into which every informer may at all hours throw his written accusations. What a situation must the poor subject be in under those republics! The same body of magistrates are possessed as executors of the law, of the whole power they have given themselves in quality of legislators, they may plunder the state by their general determinations, and as they have likewise the judiciary power in their hands; every private citizen may be ruined by their particular decisions.

The whole power is here united in one body, and though there is no external pomp that indicates a despotic sway; yet the people feel the effects of it every moment! Hence it is that many of the Princes of Europe, whose aim has been levelled at arbitrary power, have constantly set out with uniting in their own persons, all the branches of magistracy, and all the great offices of state." Thus far the elegant and judicious Montesqueiu. Let us examine whether this union has been effected by the Alien Bill.— By the Alien Bill the President may legislate; He is empowered to prescribe a rule, for the violation of which, he may inflict a penalty. This I understand to be an act of legislation; and if he legislates he violates the Constitution, because as he is an executive officer; it unites legislative and executive powers in his own person: But this is not all? The president by this bill is not only impowered to make a law, but he may make an *expost facto* law. He is not bound to inform Aliens what conduct he has determined in his own mind to consider as criminal: Were he compelled to do this, an alien would have an opportunity of conforming to the rule, which the whim or caprice of the president might prescribe. Law sir, is defined to be a rule of civil conduct *prescribed* by the supreme power of a state, &c. But how Mr. Chairman can it be said, that the president has *prescribed* a rule of conduct to an alien; when that alien can by no possible means, obtain a *knowledge* of the existence of that rule? To punish a man for the violation of a rule of the existence of which, he was not previously informed, is the true definition of an *expost facto* law, and by the constitution it is declared that no *expost facto* law shall be passed. But Mr. Chairman this is not all! having made the law, the president is to determine whether the alien has or has not violated that law; this I understand sir, to be a judicial act: And if the president judges, he violates the constitution; because by this last act, he unites in his own person, all the three great branches of the government; legislative, judicial and executive; and how does he judge Mr. Chairman? Does he render his judgment in public where the citizens may have an opportunity of forming a proper estimate of the justice, or injustice, legality or illegality of his sentence? No! Sir! the record may be locked up in his own breast, from whence no copy can be obtained, and the execution of the sentence by a federal officer,

will be the firſt intimation that the alien will receive of this unconſtitutional perſecution. But Mr. Chairman this is not all? The right reſerved to the ſeveral ſtates of admitting prior to the year 1808, the migration of ſuch perſons as to them, ſhall ſeem expedient, is by this bill indirectly invaded, and virtually deſtroyed: For what real difference will there be Mr. Chairman, between the power of inhibiting the migration of aliens to this country in the firſt inſtance; and the power of expulſion and tranſportation the moment their landing ſhall have been effected; None ſir; and the invaſion of the rights of the ſtates, and uſurpation of power, will be the ſame in one inſtance as in the other. The trial by jury too, Mr. Chairman, that great barrier, which the conſtitution has oppoſed to deſpotic power, is broken down and deſtroyed by this engine of oppreſſion. The previous indictment by grand jury; the right of the accuſed to a ſpeedy and impartial trial by a jury of the diſtrict where the crime is alledged, to have been committed; to be informed of the nature of the accuſation; to be confronted with his accuſers; to have compulſory proceſs to obtain evidence in his favor, and counſel for his defence; all theſe great privileges and immunities, which the humanity of our conſtitution had preſcribed in favor of perſonal ſecurity; are proſtrated and aboliſhed; to which alone, to ſpeak in the language of one of our reſolutions, is ſubſtituted, the ſingular, arbitrary, and capricious will of a preſident. But Mr. Chairman this is not all! This law will comprehend citizens as well as aliens. If it does not in principle, ſir, believe me it will in operation and practice. No rule of evidence for the eſtabliſhment of alienage or citizenſhip, is by this bill preſcribed! No tribunal before which a native can eſtabliſh this, to him all important fact! The preſident may act upon the information of ſpies and informers. A citizen may from an oppoſition to unconſtitutional meaſures of the adminiſtration, have rendered himſelf obnoxious; He ſhall be repreſented to the preſident as a dangerous alien. It is not at all times that a citizen carries with him the evidence of citizenſhip: He ſhall have the appearance, and ſpeak the dialect of a foreigner: And if upon his own ſuſpicion, or information of a ſpy, the preſident ſhall give an order for expulſion, or ſentence him to baniſhment, who ſhall arreſt the ſtrong arm of power? Why we are inſultingly told that the ſtate or federal courts will eminate a writ of *habeas corpus* and afford the perſecuted citizen an opportunity of eſtabliſhing his citizenſhip? But Mr. Chairman when a federal galley or frigate ſhall have conveyed the unhappy man into the deſerts of the Atlantic; whilſt he ſhall be mingling his groans with the roarings, and his tears with the waters of the ocean; will it be any conſolation for him to believe that the ſtate courts had iſſued a piece of parchment or paper for his releaſment? If the courts had virtue or independence enough to incur preſidential diſpleaſure by awarding ſuch writ, how is it to be executed? Will they enforce it by a fleet or an army? will they ſend their officer to the federal jail and demand a ſurrender of the priſoner. If a ſtate officer were to do this Mr. Chairman, he would be fortunate indeed if the federal officer did not for his temerity, confine him in the ſame dungeon with the priſoner for whoſe releaſement he was ſent.

FROM THE EASY AND ENERGETIC PEN OF
JOHN PAGE, OF ROSEWELL.

BUT what do they mean, fellow citizens, who dare to charge your repreſentatives with being factious, for oppoſing any meaſure of government? Are they not enemies of that conſtitution which ſanctions freedom of debate, the freedom of the preſs, and authoriſes free and bold enquiry into the conduct of all officers of government; as it has eſtabliſhed the right not only of chuſing other officers, but of impeachment? Are they not the friends of monarchy, and wiſh to lead you to believe that your executive, like the Britiſh, can do no wrong? Do they not endeavor to confound all diſtinction between the meaſures of government and the executive?—Have they not artfully made uſe of the Preſident's [Waſhington] well earned popularity to promote their own views, and to anſwer electioneering purpoſes? Is not this practice alſo borrowed from Britain, and were they not the firſt to cry out faction; and is not ſuch conduct more factious than that which they have arraigned! Judge then whether ſuch perſons deſerve not your deteſtation inſtead of your attention, and compliance with their wiſhes When your conſtitution points out a mode by which it may be altered, can it be factious to ſay it has defects, that it requires amendments? and can I be called factious and an enemy to the conſtitution who have endeavored to conſtrue its ambiguity in ſuch a manner to ſhew it requires no alteration? But my friends if it be criminal now to cenſure public meaſures which appear dangerous to your liberties, when ſuch cenſure is authoriſed by the conſtitution, and become a ſacred duty to thoſe who have ſworn to ſupport it; how criminal were they who induced me and many of you to believe that it was meritorious to oppoſe the unconſtitutional meaſures of our then ſovereign the king of Great-Britain. If there be a man in any department of government, or who expects to get in, and who has been a ſupporter of the meaſures againſt which I have voted and now endeavors to huſh all complaint, and to ſilence all enquiry reſpecting the propriety of his conduct, by calling ſuch complaint and enquiry factious; by attributing the cenſurable meaſures of congreſs to an amiable and juſtly popular preſident, and charging thoſe who exerciſed their conſtitutional right, and who ſhewed a firm and unbiaſſed mind, with a perverſe and ungrateful enmity to him: I ſay ſuch a man is an enemy to the Preſident, and to that conſtitution of which he may be ſaid to be father and chief ſupport: as he attempts to degrade him, to the condition of a deteſtable tyrant whoſe will muſt not be oppoſed; and puts the repreſentatives the ſupport of that conſtitution upon a footing with the tools and abject ſlaves of ſuch a tyrant; and ſuch a one exhibits in himſelf an inſtance of a proud ſelfiſh tyrannical diſpoſition; a diſpoſition which would lead him had he the power, to ſend thoſe who oppoſed his views to a dungeon, or into perpetual exile—a tower, or baſtile, and a Botany Bay, if not the guillotine of a Robeſpierre, would ſoon be a favorite object to ſuch a man.

ABREVIATION OF THE CODE OF NATURE.

TRANSLATED FROM HELVITIUS.

O YOU! ſays, nature, who from the impulſe I give you, tend towards happineſs every moment of your exiſtence, reſiſt not my ſovereign law; ſtrive for your felicity, enjoy without fear, be happy.

O ſuperſtitious! return to nature; ſhe will conſole you, ſhe will drive from your heart thoſe fears which overcome you. Ceaſe from contemplating the future; live for yourſelves, for your equals. I approve of your pleaſures, when, without hurting yourſelf, they will not be fatal to your brethren, whom I have rendered neceſſary for your own welfare.

May humanity intereſt you for your equal. Think that he may one day overthrow you as well as himſelf. Wipe away the tears of oppreſſed innocence, of virtue in diſtreſs. May the ſweet flame of friendſhip, the eſteem of a beloved companion, make you forget the troubles of life.

Be juſt, becauſe equity is the upholder of mankind. Be good, becauſe goodneſs links all hearts. Be indulgent, becauſe weak yourſelf, you live with beings as feeble as yourſelf. Be kind, becauſe kindneſs brings affection. Be grateful, becauſe gratitude feeds and nouriſhes goodneſs. Be modeſt, becauſe pride revolts thoſe beings ſmitten with themſelves. Pardon injuries, becauſe vengeance eternizes hatred. Do good to him who hurts you, for to ſhew yourſelf greater than him, and to make yourſelf a friend. Be diſcreet, temperate, chaſte, becauſe voluptuouſneſs, intemperance, and exceſs, will deſtroy your exiſtence, and render you deſpiſed.

Be a citizen, becauſe your country is neceſſary for your ſafety, for your pleaſures, and your well-being; be ſure that the man who makes others happy, cannot be unhappy himſelf. In conducting yourſelf ſo, you will with pleaſure always examine yourſelf. You will find at the bottom of your heart, neither ſhame, terror, nor remorſe; and if Heaven ſhould intereſt herſelf in your behalf, ſhe will be ſatisfied when the earth is ſo.

It is I who puniſh, more ſurely than the gods, the crimes of the earth. The wicked may eſcape the laws of men, but never mine. if you abandon yourſelf to intemperance, man will not puniſh you; but I will, in ſhortening your days. If you are vicious, your fatal habitudes will fall on your head. Thoſe princes, whoſe power put them above human laws, are forced to tremble under mine. It is I who chaſtiſe them, who fill them with ſuſpicions and terror; deſcend to the bottom of the hearts of thoſe criminals, whoſe contented countenances cover a diſtracted mind. See the miſer extenuated on his uſeleſs treaſure, which, upon his own expence, he has taken the trouble to amaſs. See the voluptuous, ſo gay, groan ſecretly under a prodigated health; diviſion and hatred exiſting among thoſe adulterous ſpouſes; the liar, deprived of all confidence; the impoſtor, trembling at the ſole word of truth; the whithered heart of the envious, which

dies at the good of others; the frozen heart of the ungrateful, which no kindneſs can warm; the iron heart of the monſter, that the ſighs of the unfortunate cannot ſoften; the revengeful, who nouriſhes himſelf but with gall and ſerpents, and who, in his furies, devours himſelf; bear envy, if you dare, to the ſleep of the murderer, of the iniquitous judge, of the oppreſſor, whoſe couch is infeſted by the torches of the furies. But, no; humanity cauſes you to partake of their merited torments. If you compare yourſelf to them, you applaud yourſelf always in finding tranquility in your heart. Laſtly, ſee accompliſhed upon them and you the decree of fate, which wills, that the crime puniſhes itſelf, and that virtue be never without reward. *I. L.*

WHAT GOVERNMENT IS BEST ADAPTED TO THE RESEARCH OF TRUTH.

TRANSLATED FROM BRISSOT.

IF there was a being who could heſitate an inſtant on this queſtion, it would evidently prove him a ſlave, and not aſhamed of his condition.

Philoſophers appear only in thoſe countries where *men* exiſt. Under deſpotiſm, there are none; the greater part are automata; there are few beings who think, and ſtill fewer who dare to make known their thoughts. The motion of all minds is puſillanimous and circumſpect; and ſo great is the ſecret, inſenſible influence of deſpotiſm over them, that the free and audacious flight of genius appears a ridiculous cenſurable folly to the moſt ſenſible. At that period of depravity, truth, virtue, genius, national glory are annihilated.

But where the flight of genius is confined, it riſes, developes, and ſoon overſpreads the univerſe. Its glory is reflected on its country; and the homage which ſhe gives, cauſes numbers to follow the ſame track.

Conſult the archives of the univerſe; obſerve what government has produced the greateſt men; from whence do we derive our knowledge? From Greece from Rome. And ſince the deſtruction of theſe republics, what nation has made the greateſt diſcoveries in philoſophy, in morality, in legiſlation? Let us do homage to the country which gave birth to Locke, Bacon, Sydney, Milton, Newton. Other countries may have given birth to better painters, more refined wits; but the country of philoſophic genius, the country of truth, is that of liberty.

Without the liberty of thought, without the liberty of the preſs, there is no true philoſophy; conſequently no ſcience brought to perfection. In the latter ages, a man was told, you ſhall believe ſuch an abſurdity, or be burnt; and he muſt have been either a martyr or an apoſtate. The philoſopher now is not reduced to this cruel extremity.

In moſt civilized ſtates, the liberty of thought is allowed him; but few where the liberty of printing all his thoughts is granted. Governors fear that men whoſe ſouls are too ardent ſh ould ſpread maxims dangerous to their authority. To have ſuch fears, is making the ſatire of their own government. Titus or Trajan would not have felt ſuch puſillanimity; it never can enter but into the mind of a Claudius or a Nero; their conſcience reproaches them with a multiplicity of crimes, and they dread to behold the too faithful mirror of truth.

From ſelf-intereſt, an enlightened ſovereign will permit the liberty of the liberty of the preſs; but there is a ſtill greater motive which ought to determine him; the deſire of promoting knowledge: for if the author is conſtrained in his opinions, if he perceives the priſon, the ſcaffold, to be the reward of his labour, will he dare rend the veil of ignorance which covers all eyes? Will he dare, faithful hiſtorian, to retrace the evils which mankind have ſuffered by the ambitious folly of the conqueror? Will he dare to recur to the origin of ſociety, and ſhew the people, equal to their kings, ſtipulating with them their obedience for their ſafety, their happineſs for their fidelity? Will he dare to paint, in dark and ſombre colours, the tyrants who have deſtroyed the ſocial pact, or crown the Brutuſes, who, with a courageous hand, puniſhed them? Will he dare, in viewing the confuſed maſs of modern legiſlation, to point out their abuſes without dread of thoſe who protect them? Searching in the heart of man, and anylizing his organization, will he dare to declare to him his eſſence, his duties, his rights; ſhew him his law, the law of his nature, the law which no other can contradict, without being criminal? Will he venture to diſpel the miſt of ſuperſtition, paint the evils which it has occaſioned, ſubſtitute for her inhuman tenets the ſweet maxims of kind humanity? In a word, will he have courage to preach up truth, when it is the ſignal of inſtant perſecution?

Notwithſtanding all the efforts of oppreſſion, knowledge exiſts and will ever exiſt. There will always be in the darkeſt times, ſome enlightened beings; but they are not always courageous enough to make the voice of truth reſound every where. Fear, weakneſs, or deſpair, often prevents them; and a Tacitus, or Sydney, are ſeldom to be found, when the ſcaffold awaits and rewards their exertions.

I. L.

EXTRACT FROM A SERIES OF PAPERS, ENTITLED POLITICAL AND MORAL NOMENCLATURE, PUBLISHED IN THE EXAMINER.

SPECULATION AND PRACTICE.

I BEG that no fellow-citizen will, at the firſt ſight, imagine, that in uſing the word *speculation*, I have any reference, to the arts of jobbing in the funds for profit, or of funding for enlarging the profit of jobbing, much leſs to the late prevalent and rapturous paſſion for the *ſublime* and *beautiful*, as they are ſeverally exhibited in the tere-

binthine ſands of Georgia, in the ſtupendous rocks and murmuring vallies of the Alleghany, or in the verdant fertility of the howling wilderneſs of the Weſt.

I ſpeak of the high prerogative function of the human mind, which abſtracts truth from the falſe aſſociations, with which it is commonly obſcured, involved and defameed by error and practice, which purſues it with candor and perſeverance, and preſents it with clearneſs aided by the beſt proofs.

We hear of *ſpeculative truths and practical truths*—The latter expreſſion ſeems to be both erroneous and miſchievous.

Truth, in its relations to every particular ſubject, is one, immutable and eternal; and although the powers of the human underſtanding, cannot comprehend truth, in all its extent, yet they can attain a great many truths ſo ſelf-evident or ſo proven, that they cannot be refuted, nor by any rational proceſs of the mind, denied.—On the contrary, in every reſult of practice, we may diſcern ſome error or ſome evil, or we may imagine that the thing might be done otherwiſe or done better. Beſides practice is not alone governed by our intellectual powers, but by whim, caprice, or ſome of the groſſeſt propenſities of our nature. A choice therefore not only of proper means, but a choice alſo among imperfections and evils, ſeem to be involved in every caſe of human practice.

Again, mankind are continually employed in ſome ſort of practice, however imperfect, while their ignorance and negligence of the ſpeculative powers of the underſtanding are exceſſive and general. They are therefore apt to call every reſult of practice true, that does not defeat its own end, or at leaſt, that is tolerably ſucceſsful, and by a very natural operation of ignorance and ſelfiſh pride, they applaud practice, as the only proper teſt of what is uſeful and right, and decry ſpeculation, as a viſionary and projecting turn of mind. But if truth be the only baſis, on which any durable ſyſtem of human welfare and happineſs can be built; if error and imperfection are the endleſs ſources of human degradation and miſery, then it cannot be fairly denied, that the ſpeculative have much pre-eminence over the practical powers of human nature—they are the only ſources of our knowledge, power and happineſs; and never can be eminently uſeful, except when they are conjoined, and acting in the moſt harmonious union. It is therefore a moſt pernicious error, to attempt a ſeverance of what God and nature have joined together, for promoting the perfectibility of mankind.

In the common courſe of things, the ſpeculative deductions of the underſtanding are the forerunners of improved practice.—Now and then a man of extraordinary intellectual power ariſes, who thinks much *faster and farther* than his contemporaries.—The conſequences, as they reſpect the man, depend upon the ſubject of his ſpeculations; if they relate to phyſics or mechanics, the author is derided or at beſt, pitied for his viſionary projects; if they reſpect ethics, religion or government, the *powers that we give* the *men* of *prejudice*, take alarm, pronounce the author guilty of introducing *dangerous opinions* and *innovations*, and perſecute him with all the ſeverity and rancour, which the ſpirit and inſtitutions of the age or place in which he happens to live, will permit.

The ſpirit of the age permitted Luther to be perſecuted, and half a million, perhaps, of his fellow-men to be murdered, for adopting his invaluable innovations. Gallileo tho't too faſt and too far for the age in which he lived, and was thrown into the dungeons of the inquiſition; the great and amiable des Cartes, for the ſame fault, was baniſhed from his native country by *the powers that were*. Mr. Locke was guilty of a crime of faſt and far thinking, and accordingly he was perſecuted, as far as the ſpirit of the age and the recent revolution of the throne, would allow his perſecutors to go. The medical art ſeems to interfere with the *ruling powers*, as little as any calling whatever: yet during the hot controverſy among the doctors about the virtues or the virulence of antimony, the virulent party gained a decided victory. If thou doſt not know by what means ſir, pray gueſs; Why by obtaining a *decree* of the *Parliament of Paris, declaring antimony to be a poiſon*, and forbidding its uſe, within the French territory. This decree was made in 1565 and remained unrepealed almoſt a century—what would the emetic tartar Doctors and their patients ſay to ſuch an act of congreſs, though carried by the largeſt majority of lovers of energetic order and revenue, that has ever been muſtered? In the preſent day, William Godwin ſtands arraigned for the ſame crime, among the firſt-rate culprits. It is that the weapons of perſecution, have for ſome time been principally confined to misrepreſentation, invective nnd calumny. What additions its armoury may receive from laws, concerning *political libels* and *ſedition*, cannot now be calculated. With ſuch weapons however as they have, *the men of prejudice* fight bravely, and even raſhly. Liſten to one objection, and you would ſuppoſe that Godwin had written a chimerical book on agriculture—you will hear of nothing but a plough, that is to be turned into a field and perform a good days work, without team or ploughman—look into the book, and you will find that the authors alluſion to the plough is a caſual illuſtration of the poſſible improvement of mechanics. Another objector, perhaps reeking from debauchery, will ſhake his head, and tell you that Godwin wiſhes to rend aſunder all the ſacred ties of marriage, and to introduce a promiſcuous intercourſe of the ſexes—if you examine what the author has ſaid and what he has done, upon this ſubject, you will probably confeſs that it is the leaſt defenſible of any part of his work; but if you are candid, you will acknowledge, that he alone approves of the diſuſe of the common forms and coercive obligations of matrimony, as conſequences of a poſſible and extreme purity of morals, and eſpecially of temperance in the ſexual appetite, and that he himſelf was married, after the publication of his book.—A third accuſer, eſpecially if he be a little richer than his neighbors, diſmiſſes the culprit with, *Oh! damn the book, the fellow's poor*, wiſhes to break down all the fences of property, and to bring about a general ſcramble.—Enquire of thoſe who *know the fellow*, and you learn that his property is competent, that he employs it to very benevolent purpoſes that he never cheats his neighbor, nor covets any thing that is his. The political, and probably, venal author of the Purſuits of Literature, ejects much invective and ſpite againſt ſeveral perſons, who have advocated the general liberty

and happineſs of mankind, particularly againſt Doctor Darwin and Mr. Godwin. His remarks upon both will never injure them, in the eſtimation of thoſe who are proper judges of their merits, and thoſe againſt the latter are particularly impotent—the ſame author in enumerating the forms of rule which he abjures, and abhors, deſcribes our federal government, by the expreſſion of a "preſident of factious councils," and denies it a place among, what he calls, "the forms of regulated empire."—It is ſtrange that hundreds of *Americans*, ſhould paſs this paſſage unnoticed, in order to drink with avidity of the ſtream of virulence, which this author directs againſt men, to whom mankind will ever be indebted.

Oh! reader if thou can'st but read, read these books, try to understand them, and judge for thyself.

GODWIN's POLITICAL JUSTICE.

BOOK VI.

OF LIBELS.

Public libels.—Injustice of an attempt to prescribe the method in which public questions shall be discussed.—Its pusillanimity.—Invitations to tumult.—Private libels.—Reasons in favor of their being subjected to restraint.—Answer.—1. It is necessary the truth should be told.—Salutary effects of the unrestrained investigation of character.—Objection: freedom of speech would be productive of calumny, not of justice.—Answer.—Future history of libel.—2. It is necessary men should be taught to be sincere.—Extent of the evil which arises from a command to be insincere.—The mind spontaneously shrinks from the prosecution of a libel.—Conclusion.

In the examination already beſtowed upon the article of hereſy, political and religious,* we have anticipated one of the two heads of the law of libel; and, if the arguments there adduced be admitted for valid, it will follow that no puniſhment can juſtly be awarded againſt any writing or words derogatory to religion or political government.

It is impoſſible to eſtabliſh any ſolid ground of diſtinction upon this ſubject, or to lay down rules in conformity to which arguments, either political or religious, muſt be treated. It is impoſſible to tell me, when I am penetrated with the magnitude of the ſubject, that I muſt be logical and not eloquent; or when I feel the abſurdity of the theory I am combating, that I muſt

NOTE.

* *Chap. III.*

not expreſs it in terms that ſhall produce feelings of ridicule in my readers. It were better to forbid me the diſcuſſion of the ſubject altogether, than forbid me to deſcribe it in the manner I conceive to be moſt ſuitable to its merits. It would be a moſt tyrannical ſpecies of candor to tell me, "You may write againſt the ſyſtem we patroniſe, provided you will write in an imbecil and ineffectual manner; you may enquire and inveſtigate as much as you pleaſe, provided, when you undertake to communicate the reſult, you carefully check your ardour, and be upon your guard that you do not convey any of your own feelings to your readers" Add to this, that rules of diſtinction, as they are abſurd in relation to the diſſidents, will prove a continual inſtrument of uſurpation and injuſtice to the ruling party. No reaſonings will appear fair to them, but ſuch as are futile. If I ſpeak with energy, they will deem me inflamatory; and if I deſcribe cenſurable proceedings in plain and homely, but pointed language, they will cry out upon me as a buffoon.

It muſt be truly a lamentable caſe, if truth, favoured by the many and patronized by the great, ſhould prove too weak to enter the liſts with falſehood. It is ſelf-evident, that that which will ſtand the teſt of examination, cannot need the ſupport of penal ſtatutes. After our adverſaries have exhauſted their eloquence and exerted themſelves to miſlead us, truth has a clear, nervous and ſimple ſtory to tell, which, if force be excluded on all ſides, will not fail to put down their arts. Miſrepreſentation will ſpeedily vaniſh, if the friends of truth be but half as alert as the advocates of falſehood. Surely then it is a moſt ungracious plea to offer, "We are too idle to reaſon with you, we are therefore determined to ſilence you by force." So long as the adverſaries of juſtice confine themſelves to expoſtulation, there can be no ground for ſerious alarm. As ſoon as they begin to act with violence and riot, it will then be time enough to encounter them with force.

There is however one particular claſs of libels that ſeem to demand a ſeparate conſideration. A libel may either not confine itſelf to any ſpecies of illuſtration of religion or government, or it may leave illuſtration entirely out of its view.—Its object may be to invite a multitude of perſons to aſſemble, as the firſt ſtep towards acts of violence. A public libel is any ſpecies of writing in which the wiſdom of ſome eſtabliſhed ſyſtem is controverted; and it cannot be denied that a diſpaſſionate and ſevere demonſtration of its injuſtice tends, not leſs than the moſt alarming tumult, to the deſtruction of ſuch inſtitutions.—But writing and ſpeech are the proper and becoming methods of operating changes in human ſociety, and tumult is improper and equivocal method. In the caſe then of the ſpecific preparations of riot, it ſhould ſeem that the regular force of the ſociety may lawfully interfere. But this interference may be of two kinds. It may conſiſt of precautions to counteract all tumultuous concourſe, or it may arraign the individual for the offence he has committed againſt the peace of the community. The firſt of theſe ſeems ſufficiently commendable and wiſe, and would, if vigilantly exerted, be in almoſt all caſes adequate to the purpoſe. The ſecond is attended with ſome difficulty.—A libel the avowed intention of which is to lead to immediate vio-

lence, is altogether different from a publication in which the general merits of any inſtitution are treated with the utmoſt freedom, and may well be ſuppoſed to fall under different rules. The difficulty here ariſes only from the conſideration of the general nature of puniſhment, which is abhorrent to the true principles of mind, and ought to be reſtrained within as narrow limits as poſſible, if not inſtantly aboliſhed.† A diſtinction to which obſervation and experience in caſes of judicial proceeding have uniformly led, is that between crimes that exiſt only in intention, and overt acts. So far as prevention only is concerned, the former would ſeem in many caſes not leſs entitled to the animadverſion of ſociety than the latter; but the evidence of intention uſually reſts upon circumſtances equivocal and minute, and the friend of juſtice will tremble to erect any grave proceeding upon ſo uncertain a baſis. Theſe reaſonings on exhortations to tumult, will alſo be found applicable with ſlight variation to incendiary letters addreſſed to private perſons.

But the law of libel, as we have already ſaid, diſtributes itſelf into two heads, libels againſt public eſtabliſhments and meaſures, and libels againſt private character. Thoſe who have been willing to admit that the firſt ought to paſs unpuniſhed, have generally aſſerted the propriety of counteracting the latter by cenſures and penalties. It ſhall be the buſineſs of the remainder of this chapter to ſhew that they were erroneous in their deciſion.

The arguments upon which their deciſion is built muſt be allowed to be both popular and impreſſive.—"There is no external poſſeſſion more ſolid or more valuable than an honeſt fame. My property, in goods or eſtate, is appropriated only by convention. Its value is for the moſt part the creature of a debauched imagination; and, if I were ſufficiently wiſe and philoſophical, he that deprived me of it would do me very little injury.—He that inflicts a ſtab upon my character is a much more formidable enemy. It is a very ſerious inconvenience that my countrymen ſhould regard me as deſtitute of principle and honeſty. If the miſchief were entirely to myſelf, it is not poſſible to be regarded with levity. I muſt be void of all ſenſe of juſtice, if I were callous to the contempt and deteſtation of the world. I muſt ceaſe to be a man, if I were unaffected by the calumny that deprived me of the friend I loved, and left me perhaps without one boſom in which to repoſe my ſympathies." But this is not all.—The ſame ſtroke that annihilates my character, extremely abridges, if it do not annihilate, my uſefulneſs. It is in vain that I would exert my good intentions and my talents for the aſſiſtance of others, if my motives be perpetually miſinterpreted. Men will not liſten to the arguments of him they deſpiſe; he will be ſpurned during life, and execrated as long as his memory endures. What then are we to conclude but that to an injury, greater than robbery, greater perhaps than murder,

NOTE.

† *See the following Book.*

we ought to award an exemplary punishment."

The answer to this statement may be given in the form of an illustration of two propositions: first, that it is necessary the truth should be told; secondly, that it is necessary men should be taught to be sincere.

First, it is necessary the truth should be told. How can this ever be done, if I be forbidden to speak upon more than one side of the question? The case is here exactly similar to the case of religion and political establishment. If we must always hear the praise of things as they are, and allow no man to urge an objection, we may be lulled into torpid tranquility, but we can never be wise.

If a veil of partial favour is to be drawn over the indiscretions and faults of mankind, it is easy to perceive whether virtue or vice will be the gainer. There is no terror that comes home to the heart of vice, like the terror of being exhibited to the public eye. On the contrary there is no reward worthy to be bestowed upon eminent virtue but this one, the plain, unvarnished proclamation of its excellence in the face of the world.

If the unrestrained discussion of abstract enquiry be of the highest importance to mankind, the unrestrained investigation of character is scarcely less to be cultivated.—If truth were universally told of men's dispositions and actions, gibbets and wheels might be dismissed from the face of the earth. The knave unmasked would be obliged to turn honest in his own defence. Nay, no man would have time to grow a knave. Truth would follow him in his first irresolute essays, and public disapprobation arrest him in the commencement of his career.

There are many men at present who pass for virtuous, that tremble at the boldness of a project like this. They would be detected in their effeminacy and imbecility. Their imbecility is the growth of that inauspicious secrecy, which national manners and political institutions at present draw over the actions of individuals. If truth were spoken without reserves, there would be no such men in existence. Men would act with clearness and decision, if they had no hopes in concealment, if they saw at every turn that the eye of the world was upon them.—How great would be the magnanimity of the man who was always sure to be observed sure to be judged with discernment, and to be treated with justice? Feebleness of character would hourly lose its influence in the breast of those over whom it now domineers. They would feel themselves perpetually urged with an auspicous violence to assume manners more worthy of the form they bear.

To these reasonings it may perhaps be rejoined, "This indeed is an interesting picture. If truth could be universally told, the effects would no doubt be of the most excellent nature; but the expectatoin is to be regarded as visionary."

Not so: the discovery of individual and personal truth is to be effected in the same manner as the discovery of general truth, by discussion. From the collision of disagreeing accounts justice and reason will be produced. Mankind seldom think much of any particular subject, without coming to think right at last.

"Is it then to be supposed that mankind will have the discernment and the justice of their own accord to reject the libel?" Yes; libels do not at present deceive mankind,

from their intrinſic power, but from the reſtraint under which they labor. The man, who from his dungeon, is brought to the light of day cannot accurately diſtinguiſh colours; but he that has ſuffered no confinement, feels no difficulty in the operation.——Such is the ſtate of mankind at preſent: they are not exerciſed to employ their judgment, and therefore they are deficient in judgment. The moſt improbable tale now makes a deep impreſſion; but then men would be accuſtomed to ſpeculate upon the poſſibilities of human action

At firſt it may be, if all reſtraint upon the freedom of writing and ſpeech were removed, and men were encouraged to declare what they thought as publicly as poſſible, every preſs would be burdened with an innundation of ſcandal. But the ſtories by their very multiplicity would defeat themſelves. No one man, if the lie were ſucceſsful, would become the object of univerſal perſecution. In a ſhort time the reader, accuſtomed to the diſſection of character, would acquire diſcrimination. He would either detect the impoſition by its internal abſurdity, or at leaſt would attribute to the ſtory no farther weight, than that to which its evidence entitled it.

Libel, like every other human concern, would ſoon find its level, if it were delivered from the injurious interference of political inſtitution. The libeller, that is, he who utters an unfounded calumny, either invents the ſtory he tells, or delivers it with a degree of aſſurance to which the evidence that has offered itſelf to him is by no means entitled. In each caſe he would meet with his proper puniſhment in the judgment of the world. The conſequences of his error would fall back upon himſelf. He would either paſs for a malignant accuſer, or for a raſh and headlong cenſurer. Anonymous ſcandal would be almoſt impoſſible in a ſtate where nothing was concealed. But, if it were attempted, it would be wholly pointleſs, ſince, where there could be no honeſt and rational excuſe for concealment, the deſire to be concealed would prove the baſeneſs of the motive.

Secondly, force ought not to intervene for the ſuppreſſion of private libels, becauſe men ought to learn to be ſincere. There is no branch of virtue more eſſential than that which conſiſts in giving language to our thoughts. He that is accuſtomed to utter what he knows to be falſe or to ſuppreſs what he knows to be true, is in a perpetual ſtate of degradation. If I have had particular opportunity to obſerve any man's vices, juſtice will not fail to ſuggeſt to me that I ought to admoniſh him of his errors, and to warn thoſe whom his errors might injure. There may be very ſufficient ground for my repreſenting him as a vicious man, though I may be totally unable to eſtabliſh his vices ſo as to make him a proper ſubject of judicial puniſhment. Nay, it cannot be otherwiſe; for I ought to deſcribe his character exactly ſuch as it appears to be, whether it be virtuous, or vicious, or of an ambiguous nature. Ambiguity would preſently ceaſe, if every man avowed his ſentiments. It is here as in the intercourſes of friendſhip; a timely explanation ſeldom fails to heal a broil; miſunderſtandings would not grow conſiderable, were we not in the habit of brooding over imaginary wrongs.

Laws for the ſuppreſſion of private libels are, properly ſpeaking,

laws to reſtrain men from the practice of ſincerity. They create a warfare between the genuine dictates of unbiaſſed private judgment and the apparent ſenſe of the community; throwing obſcurity upon the principles of virtue, and inſpiring an indifference to the practice. This is one of thoſe conſequences of political inſtitution that preſents itſelf at every moment: morality is rendered the victim of uncertainty and doubt. Contradictory ſyſtems of conduct contend with each other for the preference, and I become indifferent to them all. How is it poſſible that I ſhould imbibe the divine enthuſiaſm of benevolence and juſtice, when I am prevented from diſcerning what it is in which they conſiſt? Other laws aſſume for the topic of their animadverſion actions of unfrequent occurrence. But the law of libels uſurps the office of directing me in my daily duties, and by perpetually menacing me with the ſcourge of puniſhment, undertakes to render me habitually a coward, continually governed by the baſeſt and moſt unprincipled motives.

Courage conſiſts more in this circumſtance than in any other, the daring to ſpeak every thing, the uttering of which may conduce to good. Actions, the performance of which requires an inflexible reſolution, call upon us but ſeldom; but the virtuous economy of ſpeech is our perpetual affair. Every moraliſt can tell us, that morality eminently conſiſts in "the government of the tongue." But this branch of morality has long been inverted. Inſtead of ſtudying what we ſhall tell, we are taught to conſider what we ſhall conceal. Inſtead of an active virtue, "going about doing good," we are inſtructed to believe that the chief end of man is to do no miſchief. Inſtead of fortitude, we are carefully imbued with maxims of artifice and cunning, miſnamed prudence.

Let us contraſt the character of thoſe men with whom we are accuſtomed to converſe, with the character of men ſuch as they ought to be, and will be. On the one ſide we perceive a perpetual caution, that ſhrinks from the obſerving eye, that conceals with a thouſand folds the genuine emotions of the heart, and that renders us unwilling to approach the men that we ſuppoſe accuſtomed to read it, and to tell what they read. Such characters as ours are the mere ſhadows of men, with a ſpecious outſide perhaps, but deſtitute of ſubſtance and ſoul. Oh, when ſhall we arrive at the land of realities, when men ſhall be known for what they are, by energy of thought and intrepidity of action! It is fortitude, that muſt render a man ſuperior alike to careſſes and threats, enable him to derive his happineſs from within, and accuſtom him to be upon all occaſions prompt to aſſiſt and to inform. Every thing therefore favourable to fortitude muſt be of ineſtimable value; every thing that inculcates diſſimulation worthy of our perpetual abhorrence.

There is one thing more that is of importance to be obſerved upon this ſubject of libel, which is, the good effects that would ſpring from every man's being accuſtomed to encounter falſhood with its only proper antidote, truth. After all the arguments that have been induſtriouſly accumulated to juſtify proſecution for libel, every man that will retire into himſelf, will feel himſelf convinced of their inſufficiency. The modes in which an innocent and a guilty man would repel an accuſation againſt them

might be expected to be oppoſite: but the law of libel confounds them. He that was conſcious of his rectitude, and undebauched by ill ſyſtems of government, would ſay to his adverſary, "Publiſh what you pleaſe againſt me, I have truth on my ſide, and will confound your miſrepreſentations." His ſenſe of fitneſs and juſtice would not permit him to ſay, "I will have recourſe to the only means that are congenial to guilt, I will compel you to be ſilent." A man, urged by indignation and impatience, may commence a proſecution againſt his accuſer; but he may be aſſured, the world, that is a diſintereſted ſpectator, feels no cordiality for his proceedings. The language of their ſentiments upon ſuch occaſion is, "What! he dares not even let us hear what can be ſaid againſt him."

The arguments in favor of juſtice, however different may be the views under which it is conſidered, perpetually run paralled to each other. The recommendations under this head are preciſely the ſame as thoſe under the preceding, the generation of activity and fortitude. The tendency of all falſe ſyſtems of political inſtitution, is to render the mind lethargic and torpid. Were we accuſtomed not to recur either to public or individual force, but upon occaſions that unequivocally juſtified the employment, we ſhould then come to have ſome reſpect for reaſon, for we ſhould know its power. How great muſt be the difference between him who anſwers me with a writ of ſummons or a challenge, and him who employs the ſword and the ſhield of truth alone? He knows that force only is to be encountered with force, and allegation with allegation; and the ſcorns to change places with the offender by being the firſt to break the peace. He does that which, were it not for the degenerate habits of ſociety, would ſcarcely deſerve the nature of courage, dares to meet upon equal ground, with the ſacred armour of truth, an adverſary who poſſeſſes only the periſhable weapons of falſhood. He calls up his underſtanding; and does not deſpair of baffling the ſhallow pretences of calumny. He calls up his firmneſs; and knows that a plain ſtory, every word of which is marked with the emphaſis of ſincerity, will carry conviction to every hearer. It were abſurd to expect that truth ſhould be cultivated, ſo long as we are accuſtomed to believe that it is an impotent incumbrance. It would be impoſſible to neglect it, if we knew that it was as impenetrable as adamant, and as laſting as the world.

FROM THE AURORA.

USEFUL INFORMATION.

THE horrors of war from which we have eſcaped by the intervention of virtuous men and the operation of public opinion, cannot be more clearly pointed out than by a compariſon of our condition, and the condition of the two principal belligerent nations with each other. It would be an endleſs taſk to enumerate all the branches of Britiſh governmental expences. We ſhall give only a few data, upon which

the resources of the two great naval powers, and our relative capacity in the same relations may be appreciated; we shall state the population, national debt, and proportion which each individual would have to pay of that debt—in dollars.

COMPARATIVE VIEW.

America,	*Population*,	5,000,000
	Debt,	90,000,000
	per head,	18
France,	*Population*,	35,000,000
	Debt,	70,000,000
	per head,	2
G. Brit.	*Population*,	11,000,000
	Debt,	2,222,000,000
	per head,	202

According to a pamphlet published in London by the under Secretary of the Treasury Rose, we have many important facts laid open to the public, we shall state the revenue of the last year, as the ratio by which this public British officer has estimated that of the present—we shall state our own revenue as it has been estimated in a document laid before Congress—and we shall assume that of France, though it might be estimated at a full third less, and her natural means are two thirds greater.

American,	*Revenue*,	9,000,000
	Expenditures,	15,000,000
	per head,	3
French,	*Revenue*,	80,000,000
	Expenditures,	106,000,000
	per head,	3
British,	*Revenue*,	80,000,000
	Expenditures,	106,000,000
	per head,	10

Again, the principal officers of the government of the three nations.

AMERICAN ADMINISTRATION.

	Dolls.
President's annual salary,	25 000
Vice-President,	5,000
Secretaries,	20,000
	50,000

FRENCH ADMINISTRATION.

First Consul,	200,000
Second & third Consul,	120,000
Secretaries,	56,000
	376,000

BRITISH ADMINISTRATION.

King,	4,440,000
Prime Minister,	40,000
Three Secretaries,	66,000
	4,546,000

TO THE CITIZENS OF THE UNITED STATES.

While candid and informed historians and other writers in the christian church, confess and lament the spirit of intolerance which has frequently degraded their religion, it is hoped that the following invaluable extracts from the works of that excellent man, Thomas Jefferson, the present Vice-President of the United States, will be an acceptable tribute of respect for true religion, correct animosities among sectarians, and extend universal peace and confidence through our country.

This publication, appeared to be more needful at this time, when the professors of christianity in the United States, lament that fasts, prayers and sermons, have been perverted to the purposes of war, and the animosities of party.

The truly religious man, impres-

ſed with due reverence for the author of his exiſtence and conſtant preſerver, invariably obtains reſpect, dignity and uſefulneſs, by avoiding the overtures of hypocriſy, and ſpecious pretexts of piety.

Aſſuming no dominion over the faith of others, he reſpectfully reſigns the rites of religion and acts of piety to the acceptance of all men, according to the light they have received, and the dictates of their own conſciences.

To put an end to perſecutions, jealouſies, rancors and deluſions, reſulting from the union of church and ſtate, by political eſtabliſhments, has been the aim of thoſe who ſecured independence and law for us, as a nation, with the aid of our own valor and wiſdom.

Upon the preſervation of theſe ſacred and ineſtimable rights, depends a large proportion of our felicity and proſperity at all times.

THE EDITOR.

Extract from Jefferſon's Notes on Virginia.

THE DIFFERENT RELIGIONS RECEIVED INTO THE STATE OF VIRGINIA.

THE firſt ſettlers in this country were emigrants from England, of the Engliſh church, juſt at a point of time when it was fluſhed with complete victory over the religious of all perſuaſions. Poſſeſſed, as they became, of the powers of making, adminiſtering, and executing the laws, they ſhewed equal intolerance in this country with their Preſbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from perſecution in England. They caſt their eyes on theſe new countries as aſylums of civil and religious freedom; but they found them free only for the reigning ſect. Several acts of the Virginia Aſſembly of 1659, 1662 and 1693, had made it penal in parents to refuſe to have their children baptized; had prohibited the unlawful aſſembling of Quakers; had made it penal for any maſter of a veſſel to bring a Quaker into the ſtate; had ordered thoſe already here, and ſuch as ſhould come thereafter, to be impriſoned till they ſhould abjure the country: provided a milder puniſhment for their firſt and ſecond return, but death for their third; had inhibited all perſons from ſuffering their meeting in or near their houſes, entertaining them individually, or diſpoſing of books which ſupported their tenets. If no execution took place here, as did in New-England, it was not owing to the moderation of the church, or ſpirit of the legiſlature, as may be inferred, from the law itſelf; but to hiſtorical circumſtances which have not been handed down to us. The Anglicans retained full poſſeſſion of the country about a century. Other opinions began then to creep in, and the great care of the government to ſupport their own church, having begotten an equal degrree of indolence in its clergy, two-thirds of the people had become diſſenters at the commencement of the preſent revolution. The laws indeed were ſtill oppreſſive on them, but the ſpirit of the one party had ſubſided into moderation, and of the other had ariſen to a degree of determination which commanded reſpect.

The preſent ſtate of our laws on the ſubject of religion is this.—The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exerciſe of religion

ſhould be free; but when they proceeded to form on that declaration the ordinance of government, inſtead of taking up every principle declared in the bill of rights, and guarding it by legiſlative ſanction, they paſſed over that which aſſerted our religious rights, leaving them as they found them. The ſame convention, however, when they met as a member of the general aſſembly in October, 1776, repealed all acts of parliament which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exerciſing any mode of worſhip; and ſuſpended the laws giving ſalaries to the clergy, which ſuſpenſion was made perpetual in October 1779. Statutory oppreſſions in religion being thus wiped away, we remain at preſent under thoſe only impoſed by the common law, or by our own acts of aſſembly. At the common law, *heresy* was a capital offence, puniſhable by burning. Its definition was left to the eccleſiaſtical judges, before whom the conviction was, till the ſtatute of the 1 El. c. 1. circumſcribed it, by declaring, that nothing ſhould be deemed hereſy, but what had been ſo determined by authority of the canonical ſcriptures, or by one of the four firſt general councils, or by ſome other council having for the grounds of their declaration the expreſs and plain words of the ſcriptures. Hereſy, thus circumſcribed, being an offence at the common law, our act of Aſſembly of October, 1777, c. 17. gives cognizance of it to the general court, by declaring that the juriſdiction of that court ſhall be general in all matters at the common law. The execution is by the writ *De hoeretico comburendo.* By our own act of aſſembly of 1705, c. 30. if a perſon brought up in the chriſtian religion denies the being of a God, or the Trinity, or aſſerts there are more gods than one, or denies the Chriſtian religion to be true, or the ſcriptures to be of divine authority, he is puniſhable on the firſt offence by incapacity to hold any office or employment eccleſiaſtical, civil, or military; on the ſecond by diſability to ſue, to take any gift or legacy, to be guardian, executor, or adminiſtrator, and by three years impriſonment without bail. A father's right to the cuſtody of his own children being founded in law on his right of guardianſhip, this being taken away, they may of courſe be ſevered from him, and put by the authority of a court, into more orthodox hands. This is a ſummary view of that religious ſlavery, under which a people have been willing to remain, who have laviſhed their lives and fortunes for the eſtabliſhment of their civil freedom. * The error ſeems not ſufficiently eradicated, that the operations of the mind, as well as the acts of the body, are ſubject to the coercion of the laws. But our rulers can have no authority over ſuch natural rights only as we have ſubmitted to them. The rights of conſcience we never ſubmitted, we could not ſubmit. We are anſwerable for them to our God.

The legitimate powers of government extend to ſuch acts only as are injurious to others. But it does

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NOTE.

* *Furneaux paſſim.*

me no injury for my neighbor to ſay there are twenty gods, or no god. It neither p cks my pocket nor breaks my leg. If it be ſaid, his teſtimony in a court of juſtice cannot be relied on, reject it then, and be the ſtigma on him. Conſtraint may make him worſe by making him a hypocrite, but it will never make him a truer man. It may fix him obſtinately in his errors, and will not cure them. Reaſon and free inquiry are the only effectual agents againſt error. Give alooſe to them, they will ſupport the true religion, by bringing every falſe one to their tribunal, to the teſt of their inveſtigation. They are the natural enemies of error and of error only. Had not the Roman government permitted free enquiry, Chriſtianity could never have been introduced. Had not free inquiry been indulged at the æra of the reformation, the corruptions of Chriſtianity could not have been purged away. If it be reſtrained now, the preſent corruptions will be prote ed, and new ones encouraged. Was the government to preſcribe to us our medicine and diet, our bodies would be in ſuch keeping as our ſouls are now. Thus in France the emetic was once forbidden as a medicine, and the potato as an article of food, Government is juſt as infallible too when it fixes ſyſtems in phyſics. Galileo was ſent to the Inquiſition for affirming that the earth was a ſphere: the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error.—This error however at length prevailed, the earth became a globe, and Deſcartes declared it was whirled round its axis by a vortex. The government in which he lived was wiſe enough to ſee that this was no queſtion of civil juriſdiction, or we ſhould all have been involved by authority in vortices. In fact, the vortices have been exploded, and the Newtonian principle of gravitation is now more firmly eſtabliſhed, on the baſis of reaſon, than it would be were the government to ſtep in, and to make it an article of neceſſary faith. Reaſon and experiment have been indulged, and error has fled before them. It is error alone which needs the ſupport of government. Truth can ſtand by itſelf. Subject opinion to coercion: whom will you make your inquiſitors? Fallible men; men governed by bad paſſions, by private as well as public reaſons. And why ſubject it to coercion? To produce uniformity. But is uniformity of opinion deſirable? No more than of face and ſtature. Introduce the bed of Procuſtes then, and as there is danger that the large men may beat the ſmall, make us all of a ſize, by lopping the former and ſtretching the latter. Difference of opinion is advantageous to religion. The ſeveral ſects perform the office of a cenſor morum over each other. Is uniformity attainable? Millions of innocent men, women, and children, ſince the introduction of chriſtianity, have been burnt, tortured, fined, impriſoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? to make one half the world fools, and the other half hypocrites. To ſupport roguery and error all over the earth. Let us reflect that it is inhabited by a thouſand millions of people. That theſe profeſs probably a thouſand different ſyſtems of religion. That ours is but one of that thouſand. That if there be but one right, and ours that one, we ſhould wiſh to ſee the 999 wandering ſects gathered into the fold of truth.—But againſt ſuch a majority we can-

not effect this by force. Reaſon and perſuaſion are the only practicable inſtruments. To make way for theſe, free enquiry muſt be indulged; and how can we wiſh others to indulge it while we refuſe it ourſelves. But every ſtate, ſays an inquiſitor, has eſtabliſhed ſome religion. No two, ſay I, have eſtabliſhed the ſame. Is this a proof of the infallibility of eſtabliſhments? Our ſiſter ſtates of Pennſylvania and New-York, however, have long ſubſiſted without any eſtabliſhment at all. The experiment was new and doubtful when they made it.—It has anſwered beyond conception. They flouriſh infinitely. Religion is well ſupported; of various kinds, indeed, but all good enough; all ſufficient to preſerve peace and order: or if a ſect ariſes, whoſe tenets would ſubvert morals, good ſenſe has fair play, and reaſons and laughs it out of doors, without ſuffering the ſtate to be troubled with it. They do not hang more malefactors than we do. They are not more diſturbed with religious diſſenſions. On the contrary, their harmony is unparalled, and can be aſcribed to nothing but their unbounded tolerance, becauſe there is no other circumſtance in which they differ from every nation on earth. They have made the happy diſcovery, that the way to ſilence religious diſputes, is to take no notice of them. Let us too give this experiment fair play, and get rid, while we may, of thoſe tyrannical laws. It is true, we are as yet ſecured againſt them by the ſpirit of the times. I doubt whether the people of this country would ſuffer an execution for hereſy, or a three years impriſonment for not comprehending the myſteries of the Trinity. But is the ſpirit of the people an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Beſides, the ſpirit of the times may alter, will alter. Our rulers will become corrupt, our people careleſs. A ſingle zealot may commence perſecutor, and better men be his victims. It can never be too often repeated that the time for fixing every eſſential right on a legal baſis is while our rulers are honeſt, and ourſelves united. From the concluſion of this war we ſhall be going down hill. It will not then be neceſſary to reſort every moment to the people for ſupport. They will be forgotten, therefore, and their rights diſregarded. They will forget themſelves, but in the ſole faculty of making money, and will never think of uniting to effect a due reſpect for rights. The ſhackles, therefore, which ſhall not be knocked off at the concluſion of this war, will remain on us long, will be made heavier and heavier, till our rights ſhall revive or expire in a convulſion.

ANECDOTE.

It is ſometimes dangerous to appear wiſer than one's neighbors.

A tipſy parſon in Dumfries (Scotland) was ſaying from the pulpit, "What was it think ye, gued people, that ſwallowed Jonas? It was nae horſe, it was nae cow,"—"I ſuppoſe," ſaid an old woman, "it was a whale, your reverence." "I ſuppoſe," replied he, "you are a b——; you might as well take the bread out of my mouth, as the word of God."

In the third number of the National Magazine I gave an abstract of the Constitution of Georgia; I soon after learnt that I had copied my information from the Constitution of that state as it stood previous to the last revision and amendment. The readers of the Magazine are now presented with the Constituiion of Georgia entire, which is now in force. This is a tribute justly due to my numerous list of patrons in that state, in performing which I lay before the public, in my opinion, one of the best models of a Constitution, which is used by any of the states.

CONSTITUTION.

ARTICLE I.

SECTION I.

THE legiſlative, executive and judiciary departments of government, ſhall be diſtinct, and each department ſhall be confided to a ſeparate body of magiſtracy; and no perſon, or collection of perſons, being of one of thoſe departments, ſhall exerciſe any power properly attached to either of the others, except in the inſtances herein expreſsly permitted.

SEC. 2. The legiſlative power ſhall be veſted in two ſeparate and diſtinct branches, to wit: a ſenate and houſe of repreſentatives, to be ſtiled "The General Aſſembly."

SEC. 3. The Senate ſhall be elected annually on the firſt Monday in November, until ſuch day of election be altered by law: and ſhall be compoſed of one member from each county, to be choſen by the electors thereof.

SEC. 4. No perſon ſhall be a ſenator who ſhall not have attained to the age of twenty-five years; and have been nine years a citizen of the United States; and three years an inhabitants of this ſtate, and ſhall have uſually reſided within the county for which he ſhall be returned, at leaſt one year immediately preceding his election, (except perſons who may have been abſent on public buſineſs of this ſtate, or of the United States) and is and ſhall have been poſſeſſed in his own right of a ſettled freehold eſtate of the value of five hundred dollars, or of taxable property to the amount of one thouſand dollars, within the county, for one year preceding his election; and whoſe eſtate ſhall, on a reaſonable eſtimation be fully competent to the diſcharge of his juſt debts, over and above that ſum.

SEC. 5. The ſenate ſhall elect, by ballot, a preſident out of their own body.

SEC. 6. The ſenate ſhall have the ſole power to try all impeachments: When ſitting for that purpoſe, they ſhall be on oath or affirmation; and no perſon ſhall be convicted, without the concurrence

of two thirds of the members present: judgment, in cases of impeachment, shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust or profit, within this state: but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment, according to law.

SEC. 7. The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this state, according to their respective numbers of free white persons, and including three-fifths of all the people of colour: The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct: Each county containing three thousand persons agreeably to the foregoing plan of enumeration, shall be entitled to two members, seven thousand to three members, and twelve thousand to four members; but each county shall have at least one and not more than four members: The representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law: Until the aforesaid enumeration shall be made, the several counties shall de entitled to the following number of representatives, respectively: Camden two—Glynn two—Liberty three—M'Intosh two—Bryan one—Chatham four—Effinghan two—Scriven two—Montgomery two—Burke three—Bullock one—Jefferson three—Lincoln two—Elbert three—Jackson two—Richmond three—Wilkes four—Columbia three—Warren three—Washington three—Hancock four—Greene three—Oglethorpe three—and Franklin two.

SEC. 8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he shall be chosen, one one year immediately preceding his election (unless he shall have been absent on public business of this state or of the United States; and shall be possessed, in his own right, of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; add whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

SEC. 9. The house of representatives shall choose their speaker and other officers.

SEC. 10. They shall have solely the power to impeach all persons who have been or may be in office.

SEC. 11. No person holding any military commission or other appointment having any emolument or compensation annexed thereto, under this state or the United States, or either of them (except justices of the inferior court, justices of peace, and officers of the militia,) nor any person who has had charge of public monies belonging to the state, unaccounted for and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the General Assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or

compenſation annexed thereto, during the time for which he ſhall have been elected, with the above exceptions, unleſs he ſhall decline accepting his ſeat, by notice to the executive, within twenty days after he ſhall have been elected; nor ſhall any member, after having taken his ſeat, be eligible to any of the aforeſaid offices or appointments during the time for which he ſhall have been elected.

SEC. 12. The meeting of the General Aſſembly ſhall be annually on the ſecond Tueſday in January, until ſuch day of meeting be altered by law; a majority of each branch ſhall be authorized to proceed to buſineſs—but a ſmaller number may adjourn from day to day, and compel the attendance of their members in ſuch manner as each houſe may preſcribe.

SEC. 13. Each houſe ſhall be the judges of the elections, returns and qualifications of its own members, with powers to expel or puniſh by cenſuring, fining and impriſoning, or either, for diſorderly behaviour, and may expel any perſon convicted of any felonious or infamous offence: Each houſe may puniſh by impriſonment, during ſeſſion, any perſon, not a member, who ſhall be guilty of diſreſpect by any diſorderly or contemptuous behavior in its preſence, or who during ſeſſion, ſhall threaten harm to the body or eſtate of any member, for any thing ſaid or done in either houſe, or who ſhall aſſault any of them therefor; or who ſhall aſſault or arreſt any witneſs in going to or returning therefrom, or who ſhall reſcue any perſon arreſted by order of either houſe.

SEC. 14. No ſenator or repreſentative ſhall be liable to be arreſted during his attendance on the General Aſſembly, or for ten days previous to its ſitting, or for ten days after the riſing thereof, except for treaſon, felony, or breach of the peace; nor ſhall any member be liable to anſwer for any thing ſpoken in debate in either houſe, in any court or place elſewhere; but ſhall, nevertheleſs, be bound to anſwer for perjury, bribery or corruption.

SEC. 15. Each houſe ſhall keep a journal of its proceedings, and publiſh them immediately after their adjournment; and the yeas and nays of the members on any queſtion, ſhall, at the deſire of any two members, be entered on the journals.

SEC. 16. All bills for raiſing revenue, or appropriating monies, ſhall originate in the houſe of repreſentatives; but the ſenate ſhall propoſe or concur with amendments as in other bills.

SEC. 17. Every bill ſhall be read three times, and on three ſeparate days, in each branch of the General Aſſembly, before it ſhall paſs, unleſs in caſes of actual invaſion or inſurrection: nor ſhall any law or ordinance paſs, containing any matter different from what is expreſſed in the title thereof; and all acts ſhall be ſigned by the preſident in the ſenate, and ſpeaker in the houſe of repreſentatives; No bill or ordinance which ſhall have been rejected by either houſe, ſhall be brought in again during the ſeſſion, under the ſame or any other title, without the conſent of two-thirds of each branch.

SEC. 18. Each ſenator and repreſentative, before he be permitted to take his ſeat, ſhall take an oath or make affirmation, that he hath not practiſed any unlawful means, either directly or indirectly, to procure his election; and every perſon ſhall be diſqualified from ſerving as a ſenator or repreſentative,

for the term for which he ſhall have been elected, who ſhall be convicted of having given or offered any bribe or treat, or canvaſſed for ſuch election; and every candidate employing like means and not elected, ſhall, on conviction, be inelligible to hold a ſeat in either houſe, or to hold any office of honor or profit, for the term of one year, and to ſuch other diſabilities or penalties as may be preſcribed by law.

SEC. 19. Every member of the ſenate, or houſe of repreſentatives, ſhall, before he takes his ſeat, take the following oath or affirmation, to wit:—"I A. B. do ſolemnly "ſwear or affirm, (as the caſe may "be) that I have not obtained my "election by bribery, treats, canvaſſing, or other undue or unlawful means, uſed by myſelf, or "others by my deſire or approbation, for that purpoſe; that I "conſider myſelf conſtitutionally "qualified as a ſenator or repreſentative; and that on all queſtions and meaſures which may "come before me, I will give my "vote, and ſo conduct myſelf, as "may, in my judgment, appear "moſt conducive to the intereſt "and proſperity of this ſtate; and "that I will bear true faith and allegiance to the ſame; and to the "utmoſt of my power and ability "obſerve, conform to, ſupport and "defend, the Conſtitution thereof."

SEC. 20. No perſon, who hath been or may be convicted of felony, before any court of this ſtate, or any of the United States, ſhall be eligible to any office or appointment of honor, profit or truſt, within this ſtate.

SEC. 21. Neither houſe, during the ſeſſion of the General Aſſembly, ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place, than that at which to two branches ſhall be ſitting; and in caſe any diſagreement between the ſenate and houſe of repreſentatives, with reſpect to their adjournment, the governor may adjourn them.

SEC. 22. The General Aſſembly ſhall have power to make all laws and ordinances, which they ſhall deem neceſſary and proper for the good of the ſtate, which ſhall not be repugnant to this conſtitution.

SEC. 23. They ſhall have power to alter the boundaries of the preſent counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to the ſtate; but the property of the ſoil, in a free government, being one of the eſſential rights of a free people, it is neceſſary, in order to avoid diſputes, that the limits of this ſtate ſhould be aſcertained without preciſion and exactneſs; and this convention, compoſed of the immediate repreſentatives of the people, choſen by them to aſſert their rights, and to reviſe the powers given by them to the government, and from whoſe will, all ruling authority of right flows, *doth* aſſert and declare the boundaries of this ſtate to be as follow: That is to ſay—The limits, boundaries, juriſdictions and authority, of the ſtate of Georgia, do, and did, and of right ought to extend from the ſea or mouth of the river Savannah, along the northern branch or ſtream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the moſt northern branch or ſtream of the ſaid river Tugalo, till it interſect the northern boundary line of South-Carolina; if the ſaid branch or ſtream of Tugalo, extends ſo

far north, reſerving all the iſlands in the ſaid rivers Savannah and Tugalo to Georgia; but if the head ſpring or ſource of any branch or ſtream of the ſaid river Tulago, does not extend to the north boundary line of South-Carolina, then a weſt line to the Miſſiſippi, to be drawn from the head ſpring or ſource of the ſaid branch or ſtream of Tugalo river, which entends to the higheſt northern latitude; thence down the middle of the ſaid river Miſſiſippi, until it ſhall interſect the northernmoſt part of the thirty-firſt degree of north latitude; ſouth by a line drawn due eaſt, from the termination of the line laſt mentioned, in the latitude of thirty-one degrees north of the equtor, to the middle of the river Apalachicola or Chatahoochee: thence along the middle thereof, to its junction with Flint river; thence ſtraight to the head of St. Mary's river; and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning; including and comprehending all the lands and waters within the ſaid limits, boundaries and juriſdictional rights; and alſo all the iſlands within twenty leagues of the ſea coaſt. And this convention doth further declare and aſſert, that all the territory without the preſent temporrry line, and within the limiſs aforeſaid, is now, of right, the property of the free citizens of this ſtote, and held by them in ſovereignty, inalienable but by their conſent: *Provided nevertheleſs*, that nothing herein contained ſhall be conſtrued, ſo as to prevent a ſale to, or contract with the United States, by the legiſlature of this ſtate, of and for all and any part of the weſtern territory of this ſtate, laying weſtward of the river Chatahoochee, on ſuch terms as may be beneficial to both parties; and may procure an extenſion of ſettlement, and an extinguiſhment of Indian claims, in and to the vacant territory of this ſtate, to the eaſt and north of the ſaid river Chatahoochee; to which territory, ſuch power of contract or ſale, by the legiſlature, ſhall not extend: *And provided alſo*, The legiſlature may give its conſent to the eſtabliſhment of one or more governments weſtward thereof; but monopolies of land, by individuals, being contrary to the ſpirit of our free government, no ſale of territory of this ſtate, or any part thereof, ſhall take place to individuals or private companies, unleſs a county or counties ſhall have been firſt laid off, including ſuch territory, and the Indian rights ſhall have been extinguiſhed thereto.

SEC. 24. The foregoing ſection of this article having declared the common rights of the free citizens of this ſtate, in and to all the territory without the preſent temporary boundary line, and within the limits of this ſtate, thereby defined, by which the contemplated purchaſes of certain companies of a conſiderable portion thereof, are become conſtitutionally void; and juſtice and good faith require that the ſtate ſhould not detain a conſideration for a contract, which has failed, the legiſlature, at their next ſeſſion, ſhall make proviſion by law, for returning to any perſon or perſons, who has or have *bona fide* depoſited monies for ſuch purchaſes in the treaſury of this ſtate: *Provided*, That the ſame ſhall not have been drawn therefrom in terms of the act paſſed the thirteenth day of February, one thouſand ſeven hundred and ninety-ſix, commonly called the reſcinding act, or the ap-

propriation laws of the years one thouſand ſeven hundred and ninety-ſix and one thouſand ſeven hundred and ninety-ſeven: Nor ſhall the monies, paid for ſuch purchaſes, ever be deemed a part of the funds of this ſtate, or be liable to appropriation as ſuch; but until ſuch monies be drawn from the treaſury, they ſhall be conſideted altogether at the riſque of the perſons who have depoſited the ſame. No money ſhall be drawn out of the treaſury or from the public funds of this ſtate, except by appropriation made by law; and a regular ſtatement and account, of the receipts and expenditures of all public monies, ſhall be publiſhed from time to time. No vote, reſolution, law, or order, ſhall paſs the General Aſſembly, granting a dontation or gratuity in favor of any perſon whatever, but by the concurrence of two-thirds of the General Aſſembly.

SEC. 25. It ſhall be the duty of the juſtices of the inferior court, or any three of them, in each county reſpectively, within ſixty days after the adjournment of this convention, to appoint one or more fit perſons in each county, not exceeding one for each battalion diſtrict, whoſe duty it ſhall be to take a full and accurate cenſus or enumeration of all free white perſons and people of colour, reſiding therein, diſtinguiſhing, in ſeparate columns, the free white perſons from perſons of colour, and return the ſame to the clerks of the ſuperior courts of the ſeveral counties, certified under their hands, on or before the firſt day of December next—the perſons ſo appointed, being firſt ſeverally ſworn before the ſaid juſtices or either of them, duly and faithfully to perform the truſt repoſed in them; and it ſhall be the duty of the ſaid clerks, to tranſmit all ſuch returns, under ſeal, directed to the ſpeaker of the houſe of repreſentatives, at the firſt ſeſſion of the legiſlature thereafter: And it ſhall be the duty of the General Aſſembly, at their ſaid firſt ſeſſion, to apportion the members of the houſe of repreſentatives among the ſeveral counties, agreeable to the plan preſcribed by this Conſtitution, and to provide an adequate compenſation for the taking of the ſaid cenſus. Every perſon, whoſe uſual place of abode ſhall be in any family on the firſt Monday in July next, ſhall be returned as of ſuch family, and every perſon, occaſionally abſent at the time of taking the enumeration, as belonging to that place in which he uſually reſides. The General Aſſembly ſhall, by law, direct the manner of taking ſuch cenſus or enumeration, within every ſubſequent term of ſeven years, in conformity to this Conſtitution. And it is declared to be the duty of all officers, civil and military, throughout this ſtate, to be aiding and aſſiſting in the true and faithful execution thereof. In caſe the juſtices of the inferior courts ſhould fail to make ſuch appointments, or if there ſhould not be a ſufficient number of ſuch juſtices in any county, then the juſtices of the peace, or any three of them, ſhall have and exerciſe like powers and authority reſpecting the ſaid cenſus; and if the cenſus or enumeration of any county ſhall not be ſo taken and returned, then, and in that caſe, the General Aſſembly ſhall apportion the repreſentation of ſuch county, according to the beſt evidence in their power, relative to its population.

ARTICLE II.

SEC. 1. The executive power ſhall be veſted in a Governor, who

ſhall hold his office during the term of two years, and until ſuch time as a ſucceſſor ſhall be choſen and qualified; he ſhall have a competent ſalary eſtabliſhed by law, which ſhall not be increaſed or diminiſhed during the period for which he ſhall have been elected; neither ſhall he receive within that period, any other emolument from the United States, or either of them, or from any foreign power.

SEC. 2. The Governor ſhall be elected by the General Aſſembly, at their ſecond annual ſeſſion after the riſing of this Convention, and at every ſecond annual ſeſſion thereafter, on the ſecond day after the two houſes ſhall be organized and competent to proceed to buſineſs.

SEC. 3. No perſon ſhall be eligible to the office of Governor, who ſhall not have been a citizen of the United States twelve years and an inhabitant of this ſtate ſix years, and who hath not attained to the age of thirty years, and who does not poſſeſs five hundred acres of land, in his own right, within this ſtate, and other property to the amount of four thouſand dollars, and whoſe eſtate ſhall not, on a reaſonable eſtimation, be competent to the diſcharge of his debts, over and above that ſum.

SEC. 4. In caſe of the death or reſignation or diſability of the Governor, the Preſident of the Senate ſhall exerciſe the Executive powers of government, until ſuch diſability be removed, or until the next meeting of the General Aſſembly.

SEC. 5. The Governor ſhall, before he enters on the duties of his office, take the following oath or affirmation: "I do ſolemnly ſwear "or affirm (as the caſe may be) that "I will faithfully execute the office "of Governor of the ſtate of Geor-"gia; and will, to the beſt of my "abilities, preſerve, protect and "defend, the ſaid ſtate, and cauſe "juſtice to be executed in mercy "therein, according to the Conſti-"tution and laws thereof."

SEC. 6. He ſhall be commander in chief of the army and navy of this ſtate, and of the militia thereof.

SEC. 7. He ſhall have power to grant reprieves for offences againſt the ſtate, except in caſes of impeachment; and to grant pardons, or to remit any part of a ſentence, in all caſes after conviction, except for treaſon or murder, in which caſes he may reſpite the execution, and make report thereof to the next General Aſſembly, by whom a pardon may be granted.

SEC. 8. He ſhall iſſue writs of election to fill up all vacancies that happen in the Senate or Houſe of Repreſentatives: And ſhall have power to convene the General Aſſembly on extraordinary occaſions; and ſhall give them, from time to time, information of the ſtate of the republic, and recommend to their conſideration, ſuch meaſures as he may deem neceſſary and expedient.

SEC. 9. When any office ſhall become vacant by death, reſignation, or otherwiſe, the Governor ſhall have the power to fill ſuch vacancy; and perſons ſo appointed ſhall continue in office until a ſucceſſor is oppointed agreeably to the mode pointed out by this conſtitution, or by the legiſlature.

SEC. 10. He ſhall have the reviſion of all bills paſſed by both houſes, before the ſame ſhall become laws, but two thirds of both houſes may paſs a law notwithſtanding his diſſent; and if any bill ſhould not be returned by the Governor within five days after it hath

been preſented to him, the ſame ſhall be a law, unleſs the General Aſſembly, by their adjournment, ſhall prevent its return.

SEC. 11. Every vote, reſolution or order, to which the concurrence of both houſes may be neceſſary, except on a queſtion of adjournment, ſhall be preſented to the Governor; and before it ſhall take effect, be approved by him, or being diſapproved, may be repaſſed by two thirds of both houſes, according to the rules and limitations preſcribed in caſe of a bill.

SEC. 12. There ſhall be a ſecretary of the State, a Treaſurer, and a Surveyor General, appointed in the ſame manner, and at the ſame ſeſſion of the Legiſlature, and they ſhall hold their offices for the like period as the Governor, and ſhall have a competent ſalary, including ſuch emoluments as may be eſtabliſhed by law, which ſhall not be increaſed or diminiſhed during the period for which they ſhall have been elected.

SEC. 13. The great ſeal of the State ſhall be depoſited in the office of the Secretary of State, and ſhall not be affixed to any inſtrument of writing, but by order of the Governor or General Aſſembly; and the General Aſſembly ſhall, at their firſt ſeſſion after the riſing of this Convention, cauſe the Great Seal to be altered by law.

SEC. 14. The Governor ſhall have power to appoint his own ſecretaries.

ARTICLE III.

SEC. 1. The judicial powers of this ſtate ſhall be veſted in a Superior Court, and in ſuch inferior juriſdictions as the Legiſlature ſhall, from time to time, ordain and eſtabliſh. The Judges of the Superior Courts ſhall be elected for the term of three years, removeable by the Governor on the addreſs of two-thirds of both houſes for that purpoſe, or by impeachment and conviction thereon. The Superior Court ſhall have excluſive and final juriſdiction in all criminal caſes, which ſhall be tried in the county wherein the crime was committed, and in all caſes reſpecting titles to land, which ſhall be tried in the county where the land lies; and ſhall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the Superior Courts, and to order new trials on proper and legal grounds: *Provided*, That ſuch new trials ſhall be determined, and ſuch errors corrected, in the Superior Court of the county in which ſuch action originated. And the ſaid court ſhall alſo have appellate juriſdiction in ſuch other caſes, as the Legiſlature may by law direct, which ſhall in no caſe tend to remove the cauſe from the county in which the action originated; and the Judges thereof in all caſes of application for new trials, or correction of errors, ſhall enter their opinions on the minutes of the court. The inferior courts ſhall have cognizance of all other civil caſes, which ſhall be tried in the county wherein the defendant reſides, except in caſes of joint obligors, reſiding in different counties, which may be commenced in either county, and a copy of the petition and proceſs, ſerved on the party or parties reſiding out of the county in which the ſuit may be commenced, ſhall be deemed ſufficient ſervice, under ſuch rules and regulations as the Legiſlature may direct: But the Legiſlature may, by law, to which two thirds of each branch ſhall concur, give concurrent juriſdiction to the Superior Courts. The Superior and Inferior Courts ſhall ſit in each county twice

in every year, at ſuch ſtated times as the Legiſlature ſhall appoint.

Sec. 2. The Judges ſhall have ſalaries, adequate to their ſervices, eſtabliſhed by law, which ſhall not be increaſed or diminiſhed during their continuance in office; but ſhall not receive any other perquiſites or emoluments whatever, from parties or others, on account of any duty required of them.

Sec. 3. There ſhall be a State's Attorney and Solicitors appointed by the Legiſlature, and commiſſioned by the Governor, who ſhall hold their offices for the term of three years, unleſs removed by ſentence on impeachmeut, or by the Governor, on the addreſs of two-thirds of each branch of the General Aſſembly. They ſhall have ſalaries adequate to their ſervices, eſtabliſhed by law, which ſhall not be increaſed or diminiſhed during their continuance in office.

Sec. 4. Juſtices of the inferior courts ſhall be appointed by the General Aſſembly, and be commiſſioned by the governor, and ſhall hold their commiſſions during good behaviour, or as long as they reſpectively reſide in the county for which they ſhall be appointed, unleſs removed by ſentence on impeachment, or by the governor, on the addreſs of two-thirds of each branch of the General Aſſembly. They may be compenſated for their ſervices, in ſuch manner, as the legiſlature may by law direct.

Sec. 5. The juſtices of the peace ſhall be nominated by the inferior courts of the ſeveral counties, and commiſſioned by the governor; and there ſhall be two juſtices of the peace in each captain's diſtrict, either or both of whom, ſhall have power to try all caſes of a civil nature, within their diſtrict, where the debt or liquidated demand does not exceed thirty dollars, in ſuch manner as the legiſlature may by law direct. They ſhall hold their appointments during good behaviour, or until they ſhall be removed by conviction on indictment in the ſuperior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the addreſs of two-thirds of each branch of the legiſlature.

Sec. 6. The powers of a court of ordinary, or regiſter of probates, ſhall be veſted in the inferior courts of each county, from whoſe deciſion there may be an appeal to the ſuperior court, under ſuch reſtrictions and regulations as the General Aſſembly may by law direct; but the inferior court ſhall have power to veſt the care of the records and other proceedings therein, in the clerk, or ſuch other perſon as they may appoint; and any one or more juſtices of the ſaid court, with ſuch clerk or other perſon, may iſſue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the ſaid court; and ſuch clerk or other perſon may grant marriage licences.

Sec. 7. The Judges of the ſuperior courts, or any one of them, ſhall have power to iſſue writs of *mandamus*, prohibition, *ſcire facias*, and all other writs which may be neceſſary for carrying their powers fully into effect.

Sec. 8. Within five years after the adoption of this Conſtitution, the body of our laws, civil and criminal, ſhall be reviſed, digeſted and arranged, under proper heads, and promulgated in ſuch manner as the legiſtature may direct; and no perſon ſhall be debarred from advocating or defending his cauſe, before any court or tribunal, either by himſelf or counſel, or both.

Sec. 9. Divorces ſhall not be

granted by the legiſlature, until the parties ſhall have had a fair trial before the ſuperior court, and a verdict ſhall have been obtained, authoriſing a divorce upon legal principles. And in ſuch caſes, two thirds of each branch of the legiſlature may paſs acts of divorce accordingly.

Sec. 10. The clerks of the ſuperior and inferior courts ſhall be appointed in ſuch manner as the legiſlature may by law direct; ſhall be commiſſioned by the governor, and ſhall continue in office during good behavior.

Sec. 11. Sheriffs ſhall be appointed in ſuch manner as the General Aſſembly may by law direct, and ſhall hold their appointments for the term of two years, unleſs ſooner removed by ſentence on impeachment, or by the governor, on the addreſs of two-thirds of the juſtices of the inferior court and of the peace in the county; but no perſon ſhall be twice elected ſheriff within any term of four year; and no county officer, after the next election, ſhall be choſen at the time of electing a ſenator or repreſentative.

ARTICLE IV.

Sec. 4. The electors of members of the General Aſſembly, ſhall be citizens and inhabitants of this ſtate, and ſhall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying, agreeably to law, for the year preceding the election, and ſhall have reſided ſix months within the county: *Provided*, That in caſe of invaſion, and the inhabitants ſhall be driven from any county, ſo as to prevent an election therein, ſuch refugee inhabitants, being a majority of the voters of ſuch county, may meet under the direction of any three juſtices of the peace thereof, in the neareſt county, not in a ſtate of alarm, and proceed to an election, without having paid ſuch tax ſo required of electors, and the perſons elected thereat, ſhall be entitled to their ſeats.

Sec. 2. All elections, by the General Aſſembly, ſhall be by joint ballot of both branches of the Legiſlature; and when the ſenate and houſe of repreſentatives unite for the purpoſe of electing, they ſhall meet in the repreſentative chamber, and the preſident of the ſenate ſhall, in ſuch caſes, preſide, receive the ballots, and declare the perſon or perſons elected. In all elections by the people, the electors ſhall vote *viva voce*, until the legiſlature ſhall otherwiſe direct.

Sec. 3. The general officers of the militia, ſhall be elected by the General Aſſembly, and ſhall be commiſſioned by the governor. All other officers of the militia ſhall be elected in ſuch manner as the legiſlature may direct, and ſhall be commiſſioned by the governor; and all militia officers now in commiſſion, and thoſe which may be hereafter commiſſioned, ſhall hold their commiſſions during their uſual reſidence within the diviſion, brigade, regiment, battalion or company, to which they belong, unleſs removed by ſentence of a court-martial, or by the governor, on the addreſs of two-thirds of each branch of the General Aſſembly.

Sec. 1. All perſons appointed by the legiſlature to fill vacancies, ſhall continue in office, only ſo long as to complete the time for which their predeceſſors were appointed.

Sec. 5. Freedom of the preſs, and trial by jury, as heretofore uſed in this ſtate, ſhall remain inviolate; and no *ex poſt facto* law ſhall be paſſed.

Sec. 6. No perſon, who heretofore hath been, or hereafter may be, a collector, or holder of public monies, ſhall be eligible to any office in this ſtate, until ſuch perſon ſhall have accounted for, and paid into the treaſury, all ſums for which he may be accountable or liable.

Sec. 7. The perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be detained in priſon, after delivering up, *bona fide*, all his eſtate real and perſonal, for the uſe of his creditors, in ſuch manner as ſhall be hereafter regulated by law.

Sec. 8. Convictions on impeachments, which have heretofore taken place, are hereby releaſed, and perſons lying under ſuch convictions, reſtored to citizenſhip.

Sec. 9. The writ of *habeas corpus* ſhall not be ſuſpended, unleſs when in caſe of rebellion, or invaſion, the public ſafety may require it.

Sec. 10. No perſon within this ſtate, ſhall, upon any pretence, be deprived of the ineſtimable privilege of worſhiping God, in a manner agreeable to his own conſcience, nor be compelled to attend any place of worſhip, contrary to his own faith and judgment; nor ſhall he ever be obliged to pay tythes, taxes or any other rate, for the building or repairing any place of worſhip, or for the maintainance of any miniſter or miniſtry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious ſociety ſhall ever be eſtabliſhed in this ſtate, in preference to another; nor ſhall any perſon be denied the enjoyment of any civil right, merely on account of his religious principles.

Sec. 11. There ſhall be no future importation of ſlaves into this ſtate, from Africa, or any foreign place, after the firſt day of October next. The legiſlature ſhall have no power to paſs laws for the emancipation of ſlaves, without the conſent of each of their reſpective owners, previous to ſuch emancipation. They ſhall have no power to prevent emigrants from either of the United States to this ſtate, from bringing with them ſuch perſons, as may be deemed ſlaves, by the laws of any one of the United States.

Sec. 12. Any perſon who ſhall maliciouſly diſmember, or deprive a ſlave of life, ſhall ſuffer ſuch puniſhment as would be inflicted, in caſe the like offence had been committed on a free white perſon, and on the like proof, except in caſe of inſurrection by ſuch ſlave, and unleſs ſuch death ſhould happen by accident, in giving ſuch ſlave moderate correction.

Sec. 13. The arts and ſciences ſhall be promoted, in one or more ſeminaries of learning; and the legiſlature ſhall, as ſoon as conveniently may be, give ſuch further donations and privileges, to thoſe already eſtabliſhed, as may be neceſſary to ſecure the objects of their inſtitution; and it ſhall be the duty of the General Aſſembly, at their next ſeſſion, to provide effectual meaſures for the improvement and permanent ſecurity of the funds and endowments of ſuch inſtitutions.

Sec. 14. All civil officers ſhall continue in the exerciſe of the duties of their ſeveral offices, during the periods for which they were appointed, or until they ſhall be ſuperced, by appointments made in conformity to this Conſtitution: And all laws, now in force, ſhall continue to operate, ſo far as they are compatible with this Conſtitution, until repealed; and it ſhall be the duty of the General Aſſembly to paſs all neceſſary laws and regu-

lations, for carrying this Conſtitution into full effect.

Sec. 15. No part of this Conſtitution ſhall be altered, unleſs a bill for that purpoſe, ſpecifying the alterations intended to be made, ſhall have been read three times in the houſe of repreſentatives, and three times in the ſenate, on three ſeveral days in each houſe, and agreed to by two-thirds of each houſe reſpectively; and when any ſuch bill ſhall be paſſed in manner aforeſaid, the ſame ſhall be publiſhed at leaſt ſix months previous to the next enſuing election for members of the General Aſſembly; and if ſuch alterations, or any of them ſo propoſed, ſhall be agreed to in their firſt ſeſſion thereafter, by two-thirds of each branch of the General Aſſembly, after the ſame ſhall have been read three times, on three ſeparate days, in each reſpective houſe, then, and not otherwiſe, the ſame ſhall become a part of this Conſtitution.

AN ACT,

For eſtabliſhing RELIGIOUS FREEDOM, paſſed in the Aſſembly of Virginia, in the beginning of the Year 1786.

WELL aware that Almighty God hath created the mind free; that all attempts to influence it by temporal puniſhments or burdens, or by civil incapacitations, tend only to beget habits of hypocriſy and meanneſs, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet choſe not to propagate it by coercions on either, as was in his Almighty power to do; that the impious preſumption of legiſlators and rulers, civil as well as eccleſiaſtical, who, being themſelves but fallible and uninſpired men have aſſumed dominion over the faith of others, ſetting up their own opinions and modes of thinking as the only true and infallible, and as ſuch endeavoring to impoſe them on others, hath eſtabliſhed and maintained falſe religions over the greateſt part of the world, and through all time; that to compel a man to furniſh contributions of money for the propagation of opinions which he diſbelieves, is ſinful and tyrannical; that even the forcing him to ſupport this or that teacher of his own religious perſuaſion, is depriving him of the comfortable liberty of giving his contributions to the particular paſtor whoſe morals he would make his pattern, and whoſe powers he feels moſt perſuaſive to righteouſneſs, and is withdrawing from the miniſtry thoſe temporal rewards which, proceeding from an approbation of their perſonal conduct, are an additional incitement to earneſt and unremitting labors for the inſtruction of mankind; that our civil rights have no dependence on our religious opinions, more than our opinions in phyſics or geometry; that therefore the proſcribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of truſt and emolument, unleſs he profeſs or renounce this or that religious opinion, is depriving him

injuriouſly of thoſe privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends alſo to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, thoſe who will externally profeſs and conform to it; and though indeed theſe are criminal who do not withſtand ſuch temptation, yet neither are thoſe innocent who lay the bait in their way; that to ſuffer the civil magiſtrate to intrude his powers into the field of opinion and to reſtrain the profeſſion or propagation of principles, on ſuppoſition of their ill tendency, is a dangerous fallacy, which at once deſtroys all religious liberty, becauſe he being of courſe judge of that tendency, will make his opinions the rule of judgment, and approve or condemn the ſentiments of others only as they ſhall ſquare with or differ from his own; that it is time enough for the righful purpoſes of civil government, for its officers to interfere when principles break out into overt acts againſt peace and good order, and finally, that truth is great and will prevail if left to herſelf, that ſhe is the proper and ſufficient antagoniſt to error, and has nothing to fear from the conflict, unleſs by human interpoſition diſarmed of her natural weapons, free argument and debate, errors ceaſing to be dangerous when it is permitted freely to contradict them.

Be it therefore enacted by the General Aſſembly, That no man ſhall be compelled to frequent or ſupport any religious worſhip, place or miniſtry whatſoever, nor ſhall be enforced, reſtrained, moleſted or burthened in his body or goods, nor ſhall otherwiſe ſuffer on account of his religious opinions or belief; but that all men ſhall be free to profeſs, and by argument to maintain, their opinions in matters of religion, and that the ſame ſhall in no wiſe diminiſh, enlarge or affect their civil capacities.

And though we well know that this aſſembly, elected by the people for the ordinary purpoſes of legiſlation only, have no power to reſtrain the acts of ſucceding Aſſemblies, conſtituted with powers equal to our own, and that therefore to declare this act irrevocable, would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby aſſerted are of the natural rights of mankind, and that if any act ſhall be hereafter paſſed to repeal the preſent or to narrow its operation, ſuch act will be an infringement of natural right.

[*From a Britiſh Publication.*]

AN ODE.

IN IMITATION OF ALCÆUS.

By Sir W. JONES.

WHAT conſtitutes a ſtate?
Not high rais'd battlement and labour'd mound,
Thick wall or moated gate;
Not cities proud, with ſpires and turrets crown'd;

Not bays and broad-arm'd ports,
Where, laughing at the ſtorm, rich navies ride;
Not ſtarr'd and ſpangled courts,
Where low-bred baſeneſs waſts perfume to pride;
No—*MEN*, high-minded men,
With powers as far above dull brutes endu'd,
In foreſt, brake, or den,
As beaſts excel cold rocks and brambles rude;
Men who their *duties* know,
But know their *rights*, and knowing, dare maintain,
Prevent the long-aim'd blow,
And cruſh the tyrant while they rend the chain:
These conſtitute a ſtate,
And ſovereign law, that ſtate's *collected will*,
O'er thrones and globes elate,
Sits empreſs, crowning good, repreſſing ill;
Smit by her ſacred frown,
The fiend Diſſention like a vapour ſinks,
And e'en the all-dazzling crown
Hides his faint rays, and at *her* bidding ſhrinks.
Such *was* this heaven-lov'd iſle,
Than Leſbos fairer, and the Cretan ſhore;
No more ſhall freedom ſmile?
Shall Briton's languiſh, and be *MEN* no more?
Since all muſt life reſign,
Thoſe ſweet rewards that decorate the brave,
'Tis folly to decline,
And ſink inglorious to a ſilent grave.

IMITATION.

WHAT conſtitutes a Man?
Not long-drawn pedigree, or large eſtate;
Not power's extended ſpan;
Not ſtrength above the common dole of fate;
Not luxury's ſilken pride;
Not ermin'd robe, or gold-encircled brow;
Not learning; not the tide
Of hireling eloquence, with noxious flow:
No—'tis the gen'rous heart,
Swell'd with a brother's love for all mankind,
Which ſcorns a coward's part,
And beats in concord with th' enlighten'd mind:
By its inſpiring pow'r
The willing arm is urg'd to deeds renown'd,
Till Freedom ſigh no more,
And pamper'd tyrants quit the ſacred ground.
Cheer'd by her holy ſmile,
A *Sidney* boldly wrote, and bravely died;
And Britain's favor'd iſle
Deſpotic power's benumbing graſp defied—
It burſt the ſtrongeſt chain,
Which youth and ſoul-deluding beauty wove,
And o'er the Atlantic main,
To war, victorious war, a *Fayette* drove.
Through our degenerate veins
Crawls any remnant of that patriot blood,
Which Charleſton's—*Naseby*'s plain*
Encrimſon'd with its freedom-nurſing flood?
O Britons! may the glance
Of this fair Fame arouſe the ſlumb'ring ſoul,
Periſh the wanton dame,
Relaxing ſmile, and fever-breeding bowl!
Be it ours to join the train
Whenever Liberty her ſtandard rears!
In her bright cauſe, the ſlain,
Crown'd with eternal fame, ſhall live through endleſs years.

* *Where Hampden fell.*

[*From a British Publication.*]

SCRAPIANA.

WHO would expect to find in the ſermons of one of our divines the following paſſage, on the danger of early quarrels between man and wife? "Man and wife, ſays Jeremy Taylor, are equally concerned to avoid all offences to each other, at the beginning of the converſation. Every thing can blaſt an infant bloſſom, and the breath of the ſouth can ſhake the little rings of the vine, when firſt they begin to curl like the locks of a new-weaned boy; but when by age and conſolidation they ſtiffen into the hardneſſes of a ſtem, and have, by the warm embraces of the ſun, and the kiſſes of heaven, bro't forth their cluſters, they can endure the ſtorms of the north, and the loud tempeſt, and yet never be broken. So is the early union of an unforced marriage, watchful and obſervant, jealous and buſy, inquiſitive and careful, and apt to take alarm at every unkind word."

Colanella draws no bad picture of modern life when he ſays, "Marcus Varro in his time uſed to complain, that all who were maſters of families having abandoned the pruninghook and the plough, had crept within the walls of their cities, and choſe rather to move their hands in the circus and at the theatres, than in the fields and vineyards." Colanella ſays with great indignation, "We admire the geſtures of effeminate wretches, becauſe by their woman-like motions they imitate a ſex, which nature has denied to men, and deceive the eyes of the ſpectators. By baths," adds he, "we endeavour to procure an appetite for eating and drinking, and ſpend the nights in ſenſual pleaſures, and the days in gaming or in ſleeping, and think ourſelves happy if we neither ſee the riſing nor the ſetting of the ſun; therefore," adds he, in very ſtrong language, "the conſequence of this idle and ſlothful way of life is bad health; for thus the bodies of our young men are ſo unbraced, enfeebled and relaxed, that death itſelf will not ſeem to make any alteration in them."

When ſome one was talking on infidelity before ———, who was old and ſick, he ſaid, "Why will you endeavor to take away the pillow from an old and an aching head?"

When one of the Cecil family, in converſation with Mary, Queen of Scots, was talking of the wiſdom of of his miſtreſs, Queen Elizabeth, ſhe ſaid, "Alas! there is no ſuch thing as a wiſe woman; the wiſeſt of us all is only a little leſs fooliſh than her neighbours."

Louis XIth of France ſaid nearly the ſame thing, when one of his courtiers told him he would make a preſent of a very fine falcon he had, to the Dame de Bergen, the wiſeſt woman in France; "Dame ſage ne fut jamais," replied Louis, laughing.